

REPORT OF JOINT COMMITTEE

OF THE

GENERAL ASSEMBLY OF LOUISIANA

ON THE

CONDUCT OF THE ELECTION

OF APRIL 17 AND 18, 1868,

AND THE

CONDITION OF PEACE AND ORDER IN THE STATE.

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NEW ORLEANS:

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# REPORT

ON THE

## CONDUCT OF ELECTIONS.

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ROOMS JOINT COMMITTEE ON THE CONDUCT OF ELECTIONS AND  
THE CONDITION OF PEACE AND ORDER.

NEW ORLEANS, LOUISIANA, February 22, 1869.

To the Honorable President and Members of the Senate, and the Speaker and  
Members of the House of Representatives of the General Assembly, State of  
Louisiana :

GENTLEMEN—Your Committee respectfully present the following  
testimony on the conduct of the election in April, 1868.

The result of this examination shows that the judges and sheriffs  
of the parish of Orleans and the municipal officers of the city of  
New Orleans who were declared elected by the order of General  
Buchanan, were in reality defeated on the popular vote actually cast,  
by majorities ranging from five hundred to thirteen hundred votes. It  
also shows that the Senators and Representatives from the fourth,  
fifth and sixth representative districts, who were declared elected by  
the same order, were in fact defeated on the vote actually cast, by  
majorities ranging from three hundred to eleven hundred votes. It  
shows that this defeat of the popular vote was brought about by va-  
rious fraudulent and corrupt means, among which the chief were  
the destruction of the Republican ballots; the marking of the bal-  
lots as "white" and "colored" under an order from General Hancock,  
procured by Democratic influence.

The fraudulent addition of marks to the names of Democratic can-  
didates on the tally lists, at midnight, after the count of the ballots  
had been finished ; the abstraction from the tables of piles of bal-  
lots marked colored ; the fraudulent refusal or neglect to count all  
the ballots cast (the recount in Judge Leaumont's case shows that  
seven hundred and twenty-seven (727) were there, but not counted);  
the substitution of Democratic ballots for Republican ballots by the  
commissioners and others.

The change effected by the above specified frauds alone, makes a change of over eighteen hundred (1800) votes against the Republican candidates, which were legally cast in their favor.

The total number of votes of which the Republican candidates were defrauded, including voters intimidated, and voters illegally rejected was two thousand nine hundred and fifty-seven (2957).

The testimony will show the amount of frauds in the other parishes.

A careful election law guarding vigorously against frauds, and especially protecting voters against intimidation, is essential to a free and fair election in this State.

All of which is respectfully submitted.

HUGH J. CAMPBELL,  
P. HARPER,  
WM. MURRELL,  
EDW. S. WILSON.

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#### PARISH OF ASCENSION.

*Election of April 17 and 18, 1868.*

Frederick Fobb, a resident of Assension parish states on oath: That the number of Republican votes fraudulently thrown out in that parish was two hundred and fifty-one (251). The number of Democratic votes fraudulently cast, two hundred (200).

Thomas Suffle, a resident of Ascension parish states on oath: That Joseph Gonzales, Sheriff of that parish, substituted one hundred and forty-five Democratic tickets for a like number of Republican tickets.

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#### PARISH OF BOSSIER.

*Election of April 17 and 18, 1868.*

Lewis Simmons, states on oath that he is a resident and qualified voter in the town of Fillmore in this parish, on the seventeenth and eighteenth of April last he went to Fillmore; at the polls he saw a man named George Simpson go up to vote, with his registration papers and a Republican ticket in his hand,

when a white man drew a pistol, and told him that he would let him know that the town belonged to them and not to the niggers, also saying "if you cannot vote with us," meaning the Democrats, "you shall not vote at all, and if you do not leave I will shoot you." Witness then left for home, not voting at all; after the voting was over, witness saw the ballot box open, and saw two white men take Republican tickets from said box and throw them on the floor and substitute Democratic, which they wrote upon and put into the box. Witness was standing only five or six feet from them when this was done.

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### PARISH OF BIENVILLE.

W. H. Honneus, being duly sworn, deposes and says: That he lives in Bienville parish; that on the seventeenth day of April, 1868, he went to the polls at Mount Lebanon, in said parish, as supervisor under authority of the Board of Registration, of which S. B. Packard is chairman. Says, on the evening of the sixteenth, the citizens of the town held a meeting on my account to see what should be done with me.

On the next morning—the day of the election—Dr. Coustruay, a citizen of the town, called upon me, and told me that he was requested by the citizens to inform me "that I must leave town for my own safety." I asked him what would be the consequence if I did not leave town; he said my life would be in danger. I then told him that I was here on official business, under authority of the constitutional board of registration, and that I should stay there. He then told me if that was the case he would go over and send Dr. Eagan, who was running for the State Senate. Dr. Eagan then came to me and asked if I was appointed supervisor of election. I told him I was. He then said he would give me protection (if he was able to give it), but that the people were determined that I should not stay in town. I distributed tickets to the freedmen until about ten o'clock, when a freedman who voted the Radical ticket was asked by his former master why he voted that ticket; the man replied that he was free, and supposed he had a right to vote as he pleased. His former master knocked him down; a colored man stepped up to interfere; then four or five of the citizens came up and interfered, and

did arrest the colored man, and the Sheriff put them under arrest, and did arrest about twenty colored men in town, but did not disarm any white men. Then the same white man made a move over towards me, as I believe with the intention to shoot me. They then commenced driving all the colored men from town, and allowing no more to come in to vote. They did not allow a colored man who had been appointed commissioner, to serve, but drove him off.

I saw, then, from the appearance of the mob, that my life was not safe, and I left and went to Sparta. I am certain that at least one hundred Republican voters were driven away, and not allowed to vote; and I am also satisfied that in the parish there were at least three hundred legal voters, known to be Republicans, who were not allowed to vote at all.

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BOARD OF SUPERVISORS, BIENVILLE PARISH,  
April 25, 1868.

S. B. PACKARD, Chairman Board of Registers:

We have the honor to transmit the following report:

It is not within the knoweldge of the Board of Supervisors if any person has applied for registration and been improperly refused. The following named persons are registered in the opinion of this board contrary to the intent of the Reconstruction acts:

J. R. Head, Sparta—Sheriff before the war; member of the rebel Legislature during the war.

Hampton Bradley, Sparta—Justice of the Peace before the war; tax collector during the war.

W. C. Mayo and Moses Tullis, Sparta; J. B. Booth and D. K. Thomas, Ringold—Justices of the Peace before the war.

Threats of all kinds and character, from the mildest disapproval to that of death, were made against colored men in case they should vote the Republican ticket.

Since the election they have been turned out of employment, beaten, and in one case, shot—proving that they were no empty threats. It is almost an impossibility to get accurate knowledge of the wrongs committed from the danger attending any attempt at reporting them. If an ex-Federal officer—armed with his commission as Supervisor of Election—could only stay in town one-half a

day, it may not seem strange that the poor freedman can neither report or vote as he would. The Deputy Supervisors of Brush Valley report the election quiet and undisturbed at that precinct. From the Deputy at Arcadia we have received no report, but from the election returns we learn that, of the one hundred and seventy-nine colored voters in that precinct, only seventy-four voted, one-third of them voting against the constitution.

One of the Board of Supervisors intended staying in Mount Lebanon during the election. Upon presenting his commission as supervisor he was promised protection by some of the better citizens, but, despite their protecting influence, he was run out of the town, with the election but one-fourth over. He saw, before he left, a colored man knocked down for voting the Republican ticket, by a white man, who immediately drew his revolver, and was prevented from further mischief only by interference of his friends. The colored man was promptly arrested by the Sheriff; the white man with his revolver was unmolested.

It is the belief of the Supervisors of Mount Lebanon that all of the votes polled for the constitution at that precinct were polled before he left the town, early on Friday. It is emphatically the opinion of this board that it was by threats, violence and fraud, and that only, which could have kept a third of the colored voters of these two precincts from the polls, which it cannot need our opinion to satisfy any one that of the colored votes cast, more than one-third of them would not have been thrown against their own best interest—against their dearest rights as men—except under influences the most improper.

Of the fifteen commissioners, twelve were openly opposed to the Constitution, to reconstruction upon the Congressional plan, and negro suffrage in any form; no colored commissioners served upon any of the boards; two were appointed; one by threats was prevented from serving; the other did not serve, because white men would not serve with him. Ballots were placed in the commissioners' hands, giving them a chance to examine them if they chose; in one instance the commissioners informed the colored man "that his employers would kill him if he voted that ticket," the Republican ticket. Again, the commissioner wrote upon the back of a ticket "this is the ticket he voted," gave it to the man telling him to give it to his employers. There is a list of names in the Registrar's office of men who voted without having been registered, which we have been unable to get.

In making arrests and doing their duty, the Sheriffs were exceedingly prompt when colored men were the parties. Colored men who came to the polls armed were promptly disarmed, but in no case has it come to the knowledge of the board that a white man was either arrested or disarmed.

The general conducting of the election was such as to intimidate or discourage all friends of reconstruction ; as an expression of the opinion of the voters upon the subjects submitted to them, it was the most perfect farce imaginable.

(Signed)

M. H. TWITCHELL,  
W. H. HONNEUS,  
E. W. DEWEES.

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NEW ORLEANS, LA , June 20, 1868.

Hon. S. P. Packard, Chairman Board of Registration, New Orleans, La.

SIR—At the earnest solicitation of Mr. E. W. Dewees, the Republican candidate for Representative from Bienville, I have the honor to make the following statement for the information of all parties interested.

At the recent election for the ratification of the State Constitution at Bienville, a board of registers was appointed by you to supervise the election, and in that, consisting of M. H. Twitchell, W. H. Honneus, and E. W. Dewees, to whom I rendered such facilities for their accommodations as were at my command. Having made the necessary arrangements preparatory to the election, and the foregoing gentlemen taken their stations at their respective places, Mr. Honneus, one of the board, came to me on the evening of the election day and stated that he had been forcibly driven away from the polls at Mount Lebanon, and not allowed to stay there. I stated the circumstances to the sheriff, and remonstrated with him on the subject of keeping the peace in that parish. He informed me that the aggressors should be turned over to the civil authority to be dealt with according to law ; I offered this assurance to Mr. Honneus, asking for his statement in writing, but he declined, saying that no justice could be had under the circumstance from the civil authorities, and concluded to repair to his home as he was then threatened (as I afterwards learned), with similar treatment at Sparta. I have

made diligent inquiries as to the Republican sentiments of the voters in that precinct, and I am fully satisfied, that if they had not been intimidated, or your supervisor driven away, that that poll would at least have returned a Republican majority.

I have also to state that Mr. A. N. Jones, chairman of the board of commissioners of elections under military appointment at Arcadia informed me after bringing in the election return of that ward, that colored voters were threatened and roughly handled at the poll, and that from personal observations of both him and his brother, who was on the outside, that it was not safe for any white man to vote the Republican ticket. I asked for his written statement to that effect, with a view to invalidate the election in that precinct, but he replied, and very reasonably too, that if the election there was disputed, and his name to be mentioned in connection with it, that his life would not be secure.

In conclusion, I would state that there was no military there to give tone and independence to the free exercise of the ballot box. Undue influence may have been made to coerce many from their duty as Republicans contrary to their wishes; an attempt had been made to assassinate myself the day after the election, while in the peaceful discharge of my duties, without the least cause or provocation for so outrageous an act; and I am fully convinced from personal acquaintance, and from what has transpired since in the parish, that Republicanism and every other manly and independent feeling is suppressed by the populace which is not in accordance with their wishes.

(Signed)

WM. H. FINEGAN.

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### PARISH OF CADDO.

The following copy of a communication from the Hon. Chas. W. Lowell, late chairman of the Board of Registrars in this parish, to the Secretary of Civil Affairs, Fifth Military District, is a fair commentary on the conduct of the late election in this parish:

OFFICE BOARD OF REGISTRARS, PARISH OF CADDO,  
Shreveport, La., April 24, 1868.

Secretary of Civil Affairs, Fifth Military District:

SIR—I desire to call your attention to the manner in which the election of the seventeenth and eighteenth instant, was carried on in

some of the precincts in this parish, remote from this point and at which neither of the registrars could be present.

This report is based upon complaints made to me since the election by electors; which complaints I took in writing and upon the oath of the complainants. From these statements I find the following state of things at ward No. 2, poll at Greenwood; the commissioners of election refused to receive the votes of freedmen, who had registered at Shreveport, although they lived in ward No. 2, when they registered and ever since, without investigating the facts any further than to ask them where they registered, while one man, *white*, who lives in Shreveport, and registered in ward No. 4, never having lived in ward No. 2, but happening to be in Greenwood on the day of the election, was allowed to vote.

About forty (40) of the former class, i. e., freedmen who registered at Shreveport, but whose certificates showed that they lived in ward No. 2, and whose names were on the poll books of said ward No. 2, came to my office on the evening of April 18, and made complaint that they were refused the right to vote, at the poll in said ward No. 2; others came the next day and every day since.

Other complaints have been made to me by voters, living in that ward, that they were compelled, by armed men, under threats of being killed, to go to the polls and vote contrary to their wishes.

Again, the commissioners allowed a band of armed men to stand near the polls, who deterred voters from casting ballots except as they dictated, actually taking in some instances the ballots offered by voters and tearing them in pieces, in view of the commissioners and the voter, warning the voter to leave unless he deposited a ballot to their liking, and the commissioners made no attempt to stop such proceedings.

One instance is reported to me where a man, who registered in Texas last fall, presented his certificate to vote, and the commissioners informed him that they would give him a new certificate for Louisiana, and allow him to vote if he would vote as directed.

Again, the commissioners at this poll allowed intoxicating liquor to be sold and drank freely near their polls, under the influence of which men with pistols in their hands, employed themselves in intimidating and threatening voters, and forcing many to vote contrary to their wishes, and others to leave without voting at all.

In addition to the above facts, the men who acted as commission-

ers were not legally qualified, as appears by their oaths returned to me.

They were appointed on the fifteenth day of April, A. D. 1868, by Fred. A. Fuller and Robert T. Dunham, two members of the Board of Registrars. The oaths which they returned to me were subscribed and sworn to on the thirteenth April, two days before they were appointed, and the oath was administered by Ross Wilkinson, as Registrar, who was not a member of the board, on the thirteenth; on the sixth of April Mr. Wilkinson tendered his resignation as a member of this board; on the ninth of April he left the office entirely, and went into the country, canvassing politically—he being a candidate for Congress—and on said ninth day of April, Mr. Fuller and myself, and the other members of the board, appointed Mr. Thomas F. Monroc a member of the board, and he immediately qualified and entered upon the discharge of his duties, and we at once notified your office. This was done in compliance with the provisions of paragraph III. of special orders No. 55, extract 3, from your headquarters, dated March 11, 1868.

Mr. Wilkinson remained off the “*board*” from that date; therefore, as these commissioners were not legally qualified, and neglected to carry out the instructions under which commissioners were to act, and so flagrantly violated their orders and instructions, I would respectfully recommend that the vote of that ward be thrown out entirely and not counted. I also call attention to the affidavits of Thomas Henderson and William Steward, registered voters in the fifth ward, or Summer Grove precinct, which affidavits were supported by the statements of several other voters from that precinct, made to me verbally.

A number of men in that ward, not under contract, have been discharged because they declined to vote as their employer wished; some of them did not vote at all. Non-voting by the freedmen seems to be as great an offense in the eyes of these people, as voting contrary to their wishes.

From what I have learned from the fifth ward, I am satisfied that a large number of freedmen were forced to vote contrary to their wishes, and many were compelled to leave the polls without voting at all; and I make the same recommendation in regard to this poll, as I have in regard to ward number two.

I am also compelled to make report of the conduct of the sheriff on election days, at Shreveport. He had something like fifty men,

selected as special deputies, all wearing badges and armed with revolvers. The sheriff was a candidate for re-election, and many of these deputies spent their whole time in electioneering and obtaining votes for their chief.

The ferry across the river at Shreveport was stopped, on the days of election, by the sheriff's order, as I have since learned, and a flat boat substituted, with instructions to cross white men, but no colored men; and all the skills in the river were tied up by the same authority; so that many freedmen who could reach Shreveport only by that route, were unable to get to the polls, while white men came by that route without obstruction. Men wearing the same badge were also out on the roads leading to town, stopping freedmen coming into the city, unless they had a conservative card.

Respectfully yours, &c.,

(Signed)

CHAS. W. LOWELL,  
Chairman Board of Registrars Parish of Caddo.

The following report of the number of votes cast in this parish will tend to show the result of the intimidation used:

OFFICE BOARD OF REGISTRARS, CADDO PARISH,  
Shreveport, Louisiana, April 23, 1868.

I certify that the following is a correct statement of the number of registered voters in this parish, white and black. Also, the number of registered voters, white and colored, that voted at the election held on the seventeenth and eighteenth instant:

Number of registered voters, (colored) .....	3252
Number of registered voters, (white) .....	1222
Total .....	<u>4474</u>
Number of votes cast, (colored) .....	1730
Number of votes cast, (white) .....	1050
Total .....	<u>2780</u>
Number of colored voters not voting .....	1522
Number of white voters not voting .....	172
Total .....	<u>1694</u>

(Signed)

CHARLES W. LOWELL,  
Chairman Board of Registrars, Caddo parish,

## PARISH DE SOTO.

George Washington states on oath that on the morning of the seventeenth of April 1868, he went to the town of Mansfield, Louisiana, for the purpose of voting; when he arrived at the court house he saw a large crowd of white men assembled in the court house square. They were around the freedmen; he saw some of them take the freedmen's tickets away from them by force; other freedmen had given their tickets up on account of threats and violence, and other tickets were given to these freedmen. A line was drawn on the ground near the window of the Sheriff's office through which the ballots were deposited, which was called a *dead line*, and no freedmen were allowed to pass that line except those who had been compelled to vote the Democratic ticket, and against the constitution.

When witness made an attempt to get to the window, he and other freedmen were pushed back by the crowd of white men, who surrounded the window. They were also ordered by Mr. Donaldson, the sheriff, to get back, who at the same time flourished a large hickory club, which he had in his hand, saying that he was the commander of this election. When witness found it impossible to get a chance to vote as he wished, he with some of the other freedmen sought Mr. S. J. Hill, the chairman of the board of registrars, to make a complaint to him of how matters were; that the freedmen could not have free access to the polls. They found Mr. Hill in the court house, and upon making the complaint to him he appeared to treat it with indifference, and called some white people, who came to where they were standing. A crowd began to assemble around, and witness and other freedmen then left, fearing that they might get into some difficulty. Witness went to the court house three times that day and attempted to vote, but was prevented as he had been in the morning. To the best of his belief there were about three hundred (300) who were prevented from voting that day.

He went to said poll on the morning following (eighteenth), expecting that the election would be fairly conducted, having seen the evening previous a detachment of United States cavalry arrive in Mansfield.

When he arrived in the town he saw one of the soldiers with a handful of Democratic tickets, followed by a white man (a resident of Mansfield), who also had a handful of said tickets. The

soldier was issuing the tickets which he had to the freedmen, telling them that it was better for them to vote for their old masters; he also took the tickets which they had away from them and tore them up. Witness followed this soldier and saw that he continued issuing these tickets, until he had supplied nearly every freedman in town—which, to the best of his belief, was about two hundred. On another street he saw another soldier (in company with some white men of bad character) advising the freedmen to vote for their old masters. Witness knows from the confidence which the freedmen have in the United States soldiers that a great many voted against the constitution, not being aware that they had been deceived. Witness further states that the election was more unfairly conducted on the eighteenth than on the seventeenth. More frauds were then committed, as the white men were emboldened by the actions of the soldiers, upon whose arrival in town he and all the other freedmen felt encouraged—believing that they would be permitted to vote freely. About two or three hundred freedmen besides himself returned and went to the court house, but were ordered away by the officer in command of the cavalry, who said that if they (the freedmen) did not leave town and go back to the plantations immediately, he would order his men to make them leave.

From witness' own feelings and what he saw afterward, the officer's conduct and the deception used by his men, had a very demoralizing effect upon the freedmen.

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State Jones and Sanc Robinson state on oath that they are loyal voters of the parish of De Soto; that to their own knowledge there were as many as forty-five (45) colored voters who voted for the constitution at the precinct known as "Slawson's Box," in ward five; and their reason for making this declaration is, that they saw that number vote the Republican ticket, and that they all received their tickets from the same man, and therefore positively affirm that said number of Republican tickets were cast at said precinct. Deponents further state that they saw the commissioners of election substituting other tickets for those aforesaid.

Nat Winters, being duly sworn, deposes and says: That on the morning of the seventeenth of April, 1868, he went to the court house in the town of Mansfield, La., for the purpose of voting. He saw

there a large crowd of white men assembled around the window of the Sheriff's office, in which place the commissioners of election were receiving the votes; that, whenever a colored voter would go up to the said window for the purpose of depositing his ballot, these white men would take hold of him and pull him away from the window, and by threats compel him to show his ticket; if it was a Republican ticket, they would snatch it from him, and tell him he was not voing the right ticket, and would give him one in the place of the one taken from him, thereby leading the colored voters to believe that they were voting for the constitution, when they were actually voting against it. The Democrats had tickets printed on the same colored (blue) paper that the Republicans had, in order to deceive the colored voters—and they, not being able to read, were easily misled.

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#### PARISH OF EAST FELICIANA.

Your Committee have the honor to call your attention to the proceedings of a meeting of the merchants and planters of East Feliciana held at Clinton on the eighth of October, 1868, at which the following resolutions were passed:

*Resolved*, That we will not employ for the future any freedman who shall hereafter vote the Radical ticket, nor will we rent lands, advance supplies, or assist in any manner any such persons. A certificate from the employers will be necessary to show that any freedman has voted the Democratic ticket, or has not voted at all. We will always give our preference to those who voted the Democratic ticket and are members of the Democratic club.

*Resolved*, That we will not patronize any professional man, or trade with any merchants who do not bind themselves to be governed by the above regulations.

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#### PARISH OF EAST BATON ROUGE.

George W. Ragan, states on oath, that he is a resident of the city of Baton Rouge, that he was a supervisor of election in the above parish at the election held on the seventeenth and eighteenth days of April, 1868; that he was also a candidate for State Senator on the

Republican ticket at said election; that he was frequently present at the polls in precincts one and two during both days of the election; that the menacing threats made by white men armed with clubs, and claiming to act under authority from the Sheriff or Mayor of the city, and also the fact that he was apprised by many of his friends that an assault was contemplated on him by certain members of the Democratic party, caused him to fear that his life was in danger, and that an attack on him might result in a general riot; he attempted several times to vote, but each time was surrounded by special policemen, who would remark, "that they only wanted a chance at him," "that they would watch him," etc., accompanied by actions that convinced him that his own safety and the peace of the community required that he should not forcibly attempt to vote, and consequently he did not vote at all.

About two weeks previous to the election, witness stepped into a beer saloon for the purpose of taking a glass of beer, when a man named Gariek and eight or ten others made an attack on him and attempted to throw him out of the door, saying, "that he had helped to make that damned black nigger constitution, and expected to carry it over the heads of gentlemen, but that it would carry him to hell, and damn soon too." The proprietor failed to give him any protection, although he called upon him for it, but on the contrary told him to leave, and as he was passing out he was severely beaten with canes and clubs. Some of the parties were arrested, but on the trial the very men who were present at the time of the assault, said they heard nothing, saw nothing, and knew nothing of the matter.

S. Wrotnowski states on oath, that nearly all the Democratic candidates for offices in this parish were disfranchised by the acts of Congress. Among this number was B. F. Bryan, candidate for clerk of the District Court. Said Bryan was clerk of said court in 1859, and Mayor of the city of Baton Rouge under the Confederate Government in 1862. After the occupation of that city by the Federal troops, he was arrested by order of General Benj. F. Butler, took the oath of allegiance to the United States Government, was released, and shortly after passed through the lines, enlisted in the Confederate cavalry, and served as a soldier in the same until the final surrender of the Confederate General Dick Taylor.

That the offices of the justices of the peace in the city were closed during the days of the election, and consequently voters who had lost their certificates of registration could not make affidavits, and were therefore deprived of voting.

That two members of the Board of Registrars were disfranchised by the acts of Congress.

That G. W. Husted, chairman of said board was also a candidate on the Democratic ticket for parish judge.

That said board of registrars did issue an order the day before the election that four ballot boxes should be used at each poll, so as to cause voters to use different ballots for State, ward and municipal officers.

That the Republican tickets were printed with the names of all the candidates on one ticket, as it was not understood that any such mode was to be adopted.

That this made it necessary to cut the tickets in two or three pieces, which many colored men, not understanding, were at a loss how to proceed.

That the commissioners of election would give the colored men no instructions or advice, neither would they allow others to do so, and the consequence was many tickets were, according to said commissioners' decision, deposited in the wrong box and rejected in the courts.

Whereas, the Democrats of the parish were advised of this matter, and received instructions from the register and commissioners of election, and therefore lost no ballots for their candidates or "against the constitution."

That the registration list showed about three thousand colored voters and about fourteen hundred and twenty white; and although it is an undoubted fact that most of the colored voters voted or desired to vote the Republican ticket, and that *some few whites at least* did the same; the returns showed the astonishing table of two thousand one hundred and eleven votes against the Constitution, and only one thousand three hundred and fifty-one for it.

W. H. Benton, a candidate for parish judge on the Republican ticket in the parish of East or West Baton Rouge, states on oath that he was a supervisor of elections at Redwood precinct in said parish on the seventeenth and eighteenth days of April, 1868; that on his arrival at said precinct he was insulted by one P. F. Connelly,

who ordered him to leave the polls, and said if he remained he (Connely) would kill him before night. At this, the deponent applied to the commissioners of election for protection. Mr. McHugh, one of them, called to the deputy sheriff and told him to try and preserve order. Witness told the commissioners that he was not there to electioneer, but simply to see that a free and fair expression of the people was allowed at that poll.

About ten A. M., April 17, Mr. Harrigan and Peter Jones arrived at this poll with Republican tickets, and asked witness how the Republican ticket was running. He informed them that all the officers conducting the election at that poll were opposed to the Republican ticket, and that the intimidations had been so great that many of the Republicans refrained from voting, believing it dangerous to attempt it.

Mr. Harrigan, in order to test this matter, gave some seven men Republican tickets, who proceeded with him to the poll for the purpose of voting. When the first man handed in his ticket, Mr. Harrigan accused Commissioner Noble of changing it, and asked him not to change the man's ticket. Whereupon said Harrigan was assaulted, struck and kicked, and Commissioner Noble encouraged this conduct, by going to the door and saying very energetically—"damn him give it to him—run him off the ground." Mr. McHugh likewise indorsed these proceedings by saying "he could whip Harrigan himself, then and there, and would like to do it." Some one in the crowd remarked to him that "there were plenty of his friends there to do the fighting."

Ned Johnson, colored, handed to the commissioner a Republican ticket. A man stepped up and asked him if Benton gave him that ticket. He said no—a colored man by the name of Jones gave it to him, and told him it was the right ticket for him to vote, and that he wished to vote it. Said man told Johnson that he was voting himself out of house and home; that he believed Benton had given him the ticket, and, shaking a switch in Benton's face said to Johnson, "if you follow such a man as this he will lead you and your whole race to hell," whereupon several others made insulting remarks about witness, such as "he ain't worth a dog's notice," "he'll find this place too hot to hold him," "what business has he here," "such fellows must be attended to immediately," and remarks of like character. Soon after several of witness' friends came and

begged him to leave or he would be killed before night. Said they had heard his life threatened in a house near by by men who were drinking whiskey freely, and they thought it very dangerous for him to remain longer.

About this time ten or fifteen colored men came and said it was impossible for them to vote as they desired, and therefore they had made up their minds not to vote at all; that they desired to vote the Republican ticket, and could not do so.

Commissioner McHugh admitted to witness that he was a justice of the peace for twenty-five years before the war, and had, willingly, aided the Confederate government by furnishing supplies and drilling the men; and, common report says, he held the office of justice of the peace under the Confederate government.

Commissioner McHugh was a candidate for justice of the peace on the Democratic ticket.

Commissioner Knox said, in the hearing of witness, that he was a justice of the peace before the war, and a Confederate soldier during the war.

At the courthouse precinct, witness was informed by many colored men that they wished to vote the Republican ticket, but that so much fraud was used they dare not attempt it for fear they would lose their votes. Witness then started to make a statement of the case to the Commanding General, but was arrested by order of Mayor Elam and locked up in prison.

Edward D. Triplat, states on oath, that he has lived at "Plain's precinct," in the parish of East Baton Rouge over four years; that he is well acquainted with nearly every colored man entitled to vote in that precinct, and that he knows of but one who would voluntarily have voted the Democratic ticket; that he was present at said precinct on the seventeenth and eighteenth days of April, 1868, during the election, and while there he heard Charles Sherburne, one of the commissioners of election, say that he would discharge any of his hands that voted for the constitution; that he did not see one of them vote, and does not think they did; that many colored men were much intimidated by their Democratic employers, as they feared to vote the Republican ticket, lest they should be discharged, and they and their families suffer in consequence; that several of them stated this to be a fact, and that probably not less than one hundred failed to vote at this precinct alone on this account; that

some colored men were discharged for even registering ; that the commissioners of election at Plain's precinct were all opposed to reconstruction ; that the deputy sheriff arrested colored men for carrying arms about their persons, but would not arrest white men for the same offense, even when said white men were pointed out to him ; that deponent is acquainted with W. H. Benton, and knows him to be an honest and upright man in all his dealings, and a man of undoubted truth and veracity.

Henry Ferguson states, under oath, that he has been intimately acquainted with Mr. W. H. Benton since 1862, during part of which time he has been in the employment of said Benton. He has always known him to be a man of undoubted truth and veracity, perfectly upright in all his dealings, and in many instances found him to be an exception in that particular. From his intimate acquaintance with Mr. Benton, during this time, he knows that he would not make a statement under oath that was not strictly true in every particular—even to subserve his own interests, however great.

The following is a complete and comprehensive summary of the rebutting testimony in regard to the conduct of the late election in the Parish of East Baton Rouge :

Wilmot H. Goodale, testifies, that he was present at and about the polls, in the city of Baton Rouge frequently during the election on the seventeenth and eighteenth days of April, 1863.

The election seemed to be conducted in a quiet and orderly manner. Witness heard no threats used and saw nothing that looked like intimidation or violence, *he saw* no armed men, at the polls or about the streets, except a *few* policemen with the ordinary club. Members of both political parties were allowed free access, to the rooms while the votes were being counted, in order to satisfy themselves that the proceedings were conducted in a fair and legal manner. During a five years residence he has ever found the people as *quiet and law abiding* as in any *community*, in which he has ever lived.

Members of the Republican party were present at the polls by consent of both parties for the purpose of observing the manner in which the election was conducted.

Witness heard no complaints made by these persons as to the manner in which said election was conducted ; on the contrary, he heard several express their satisfaction. The barrooms and drinking houses were closed during both days of election.

About forty negroes, headed by a white man, (said to be named Benton,) marched down the street in a boisterous manner, which created apprehension in the minds of the people that some disturbance might occur. Very soon a body of Federal troops arrived, and the men were stationed at the markethouse, but there was no occasion for their services.

Witness states that he is not, nor would he be acquainted with Messrs. Wrotnowski, Regan and Benton; but from their general reputation would not believe them under oath.

Capt. G. M. Husted states that he was appointed chairman of the board of registrars by General Sheridan and acted as such throughout the registration. John A. McHugh and Henry A. Knox were refused registration, they were considered disfranchised under the reconstruction laws of Congress—this was in 1867. These men made an appeal to General Sheridan, who did not reverse the decision of the board. Witness was again appointed chairman of the board in March 1868, by General Hancock; at this time the above named men were allowed to register. Witness had nothing to do with the appointment of commissioners; the test oath was taken by all of them.

Witness telegraphed Captain Chandler, to know whether he should hold a municipal election, as well as State and parochial; this was a few days previous to the election; Captain Chandler asked him if he had not received special order No. 55, and added that said order called for an election for all officers provided by the "constitution." The board immediately issued an order publishing the same in all the parish papers, providing for an election of municipal officers, stating that separate ballot boxes would be provided for State, municipal and parish officers; both elections were to be held by the same commissioners, with few exception.

At the time referred to above, when he telegraphed to Captain Chandler, he was in possession of the order referred to, but he was not aware of the comprehensive nature of the instructions at the time.

Witness further states that he was not aware that the order included municipal or parochial elections. Under the instructions received from General Hancock, Messrs. McHugh, Knox and Elam, were deemed eligible by the board. He cannot say whether the board of registration and the commissioners were opposed to or in favor of reconstruction and the constitution.

Witness did not deem it important to inquire whether the persons appointed as commissioners were, during the late war, opposed to or in favor of the Government of the United States. He does not know whether or not there were competent persons in Baton Rouge, whose position during the war had not been doubtful as regards their allegiance to the United States Government.

Witness was a candidate on the Democratic ticket (against the Constitution) for Parish Judge. He was not *officially* notified of the nomination. He did not act as Registrar during the election. At the request of the Board he brought the returns of the election to New Orleans.

During the election the arrangements at the polls were such that white people were admitted at one door and colored voters at another. This was done in order to *facilitate the voting*.

Witness thinks there were about one hundred more colored voters than white. About fifteen votes were rejected on account of their having been deposited in the money box.

Messrs. Elam and Burr, then occupying the respective positions of Mayor and Sheriff were candidates for re-election on the Democratic ticket.

B. E. Chaney states under oath that he is a resident of Baton Rouge; he was among the first to register in 1867; the Board of Registration had then very stringent orders in regard to the registration of voters. Witness was not rejected at that time, being considered duly qualified under the "reconstruction acts of Congress."

Witness was present during the late election of April 17 and 18, 1868, at precincts Nos. 1 and 2 of said parish; he never witnessed an election that was conducted more peaceably, quietly and orderly; everything was done to preserve peace and order. The Mayor closed all the bar-rooms at noon, on Thursday, and they remained closed until Sunday noon.

At the request of General Sykes, commanding at Baton Rouge, the Mayor appointed a special police for the purpose of maintaining peace and order. The "special police" were very vigilant in carrying out their instructions from the Mayor.

Every one who was duly qualified, both white and colored, were allowed to vote, without let or hindrance, on the presentation of their registration certificates. The sheriff did everything in his

power to preserve peace and order at the polls. Many colored men voted the Democratic ticket openly, and many other did the same through the persuasion of *their friends*.

Witness did not see any one prevent Mr. Regan from voting. He (Mr. Regan) was electioneering and distributing tickets at the second precinct. Witness believes he could have voted if he saw proper. General Sykes, at the request of the Mayor, who anticipated trouble, sent a small detachment of Federal troops; they were stationed at the market, near the polls at the Court House. The presence of the troops proved sufficient to restrain any disturbance. Witness states that he would not believe Messrs. Wrotnowski, Benton or Regan under oath.

R. H. Day states under oath that he was frequently at each of the wards on both days of the election; he has been for several years acquainted with the people of Baton Rouge, and thinks them remarkable for their peaceful and orderly habits. He did not see any demonstration of violence at the polls whatever; by orders of the Mayor the bar rooms were closed from Thursday noon until Sunday noon. Witness voted at the first ward poll; the colored people appeared to be voting freely and as they wished; he saw no one prevent them, or use violence or threats; he did not remain long at the polls; he did not see Mr. Ryan at the polls, and was not there when the troops arrived. Witness never saw an election more quietly conducted; he did not know of the appointment of special deputies or police, and did not know that separate doors were assigned to white and colored voters; he was a candidate on the Democratic ticket against the constitution. During the war, and after the battle of Baton Rouge, witness went into the Confederate lines, and remained there until the close of the war.

S. B. Neeham, testifies that he was present at the election held in the city of Baton Rouge on the seventeenth and eighteenth days of April, 1868. So far as he knows, the election was conducted in a fair and orderly manner. The Republican party had a man stationed at each precinct, by consent of both parties, for the purpose of guarding against fraud or injustice; he heard no dissatisfaction expressed by any of these persons. On the second day of the election he saw a crowd of colored men headed by a white man named Benton, going through the streets in a noisy manner, this caused many to be apprehensive that some difficulty might occur.

A company of federal troops soon arrived and remained near the polls until they were closed.

All men, both white and colored, were allowed to vote as they saw fit.

Many colored men voted the Democratic ticket openly and used their influence in favor of that party.

Witness further states that he is not personally acquainted with Mr. Wrotnowski, (candidate for clerk of the court), Mr. Regan, (candidate for the State Senate), nor Mr. W. H. Benton, (candidate for parish judge); but from their reputation as to truth and veracity he would not believe them under oath.

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### PARISH OF FRANKLIN.

Isaac H. Crawford states, on oath, that he is a resident of Winnsborough, Franklin parish, State of Louisiana, and that he has resided there since October, 1858; that he opposed secession in 1861, and never aided the rebellion, being well known as a Union man during the entire war; that he was informed of the adoption of the fourteenth constitutional amendment in 1866, and advocated and voted in 1867 for a State convention, and at the late election was in favor of, and voted for the present constitution, and was a candidate on the Republican ticket for member of the House of Representatives; that on the 17th day of April, 1868, early in the morning, he attended the election at Redmouth precinct, in Franklin parish, for the purpose of distributing tickets in favor of the constitution and the State officers, including Mr. Taliaferro for Governor, and his own name for Representative, and for the further purpose of electioneering for himself and the constitution. About the time the polls were opened two (2) young men arrived with double-barreled shot guns, and stationed themselves near and in front of the polls with their guns in their hands. This was about half-past eight o'clock A. M. Shortly afterwards others arrived with guns, and stationed themselves in a like manner. The names of the two young men above referred to are Griffin and Amory. They both reside near Redmouth. He cannot state, positively, the names of the others who brought guns with them. About nine (9) o'clock A. M., about forty (40) colored men had arrived at the polls, and as only white men were voting,

witness requested one of the commissioners to open a window through which the colored men could vote; this the commissioner refused to do. The white men were handing their tickets through a window, at which the men who had brought *guns* had stationed themselves. As the colored men started toward this poll, as if for the purpose of voting, one S. W. Greenwell, who resided near Redmouth, informed them that they could not put their tickets in that box; meaning tickets in favor of the constitution. Witness heard numerous threats of shooting radicals and "them fellows," as they called the white men who were in favor of the constitution, and hearing his own name used in the crowd, asked of A. W. Moore, sheriff, who was present, what the complaint was against him. Moore replied that it was reported that witness had told the negroes that "if they voted against the constitution they would vote themselves back into slavery." Witness then told Moore that it was a false report, and that he was willing to get up and explain his position and ideas of political matters, to those present. Moore replied that he thought I "had better say nothing," that he (sheriff Moore) "was afraid of a disturbance;" that there was near by, coming to the election, about one hundred (100) more colored men, and that he was very uneasy, and fearful of an interruption. Witness seeing he could do no good by remaining longer, being afraid to talk to the colored men, or give them tickets, though most of them were not supplied, left the polls between ten and eleven (10 and 11) o'clock, A. M. About three o'clock, P. M., returned as far as A. Gilley's residence, which was in sight of the place of voting. Mr. A. Gilley was at home eating his dinner, he informed witness that it would not be safe for him (witness) to return to the polls, that there was a crowd of men after him, and that they would hurt him, but did not know what the crowd intended to do; that witness had better get away; that he (Gilley) was a friend to witness and that witness must not tell that he (Gilley) advised him, for then he (Gilley) would be in danger. Gilley then showed him a back way by which he could escape. Mr. A. Gilley was one of the commissioners of election at Redmouth. Witness afterward learned that thirty (30) colored men were forced to vote against the constitution, and that about one hundred and fifty (150) voters, mostly colored men, were prevented by force and intimidation from voting for the constitution, at Redmouth.

After leaving Redmouth, witness proceeded to Winnsborough precinct, at which place is the court house. About ten o'clock A. M., eighteenth instant, William B. Adams, Mr. Bennett, Mr. Underwood, and others, stationed themselves, armed with sticks and pistols at the court house door, where the polls were opened, and immediately commenced shouting and hooting. No colored men voted for the constitution after these men stationed themselves at the court house door. Several colored men went up to vote at different times during the day, but invariably came away, reporting the men above referred to, would not allow them to go to the polls, unless they would vote against the constitution.

About four o'clock P. M., himself and one B. S. Small, on the advice of Mr. Jourdain, a registrar, advised the colored voters to go home, as they did not think they could vote without having a disturbance. The colored men took the advice and went home. About six o'clock P. M., the armed men referred to left the court house opened. Witness further states that about seventy-five (75) colored men, who would have voted for the constitution, at Winnsboro, were prevented by fear of violence, on Saturday, the eighteenth day of April, 1868, and that one Pinkey Wright, a colored voter of Winnsboro, informed witness that Asa Hawthorn, who is president of the police jury, told him (Wright), on the seventeenth instant, that if he voted "for the constitution," he (Wright) would get a load of buckshot in his coat before night. Asa Hawthorn brought his gun to Winnsboro on the eighteenth, but witness did not see him carry it during the day.

Had it not been for the violence and threats of violence used, the Republicau ticket would have been elected by a majority of from one hundred and fifty (150) to two hundred (200).

On the nineteenth of April, witness being advised by A. W. Moore, sheriff, and other friends, that his life was in danger, especially at Redmouth precinct, where there were threats of violence, and that he had better for safety leave Franklin parish until the excitement had subsided, immediately left his home, and is now stopping in Columbia, Caldwell parish, where he will remain until troops are sent to Franklin parish, or until advised by friends that it is safe for him to return.

Witness further states that it is his firm belief and opinion that the lives of all white men, who are known to have voted "for the

the constitution," are in imminent danger in Franklin parish, and that it would be an impossibility to contest the late election in said parish before the civil authorities, unless troops are sent and stationed there in sufficient numbers to give ample protection to the law-abiding citizens, and witnesses who might be called upon to give evidence; that under the present authorities in Franklin parish but few witnesses could be made to attend, and give evidence of frauds, being afraid of personal violence to themselves.

At the election only about one-third of the registered colored voters of Franklin parish voted; they were all, mostly, anxious to do so, but by threats of violence and intimidation they were kept from the polls.

In a private letter written by B. S. Small, dated Winnsboro, La., April 23, 1868, he states that he had been chairman of the Board of Registry there; that every indication had been that the ticket "For the Constitution" would be voted almost unanimously; but three or four days before the election they began to hear of threats of violence being made to the freedmen, should they visit the polls, unless they would vote the Democratic ticket, and "Against the Constitution." He says the organization of the Democrats was complete, and tactics uniform, and that in order to deter all those who would be likely to vote the ticket "For the Constitution" from visiting the polls, dark insinuations and open threats were made. In some cases, he says, those who went to the polls were hindered from voting by the same means, unless they would vote the Democratic ticket. At one or two of the precincts everything went on smoothly, but there was a general feeling of insecurity and fear among the freedmen all over the parish. At Redmouth the demonstrations were so violent and unmistakable that J. H. Crawford, who was there on the seventeenth, was advised by one of the commissioners to leave in a manner that would be unknown to others, as he thought his life to be in great danger. He states that he has the names of eight freedmen who were compelled by force to vote "Against the Constitution" on the seventeenth instant. Two of the most intelligent of these men, who understood their position well, went to Winnsboro the next day to see what could be done about it; they stated that over thirty (30) of the forty-six (46) colored voters, who cast their votes in the precinct "Against the Constitution," were forced to do so by threats of violence, such as, "they would fatten

the buzzards on them," "make buzzard's bait of them," etc., etc. These men were willing to make affidavit to that effect.

At a Democratic meeting held in Winnsboro, on the Saturday previous to the election, one of their number, in a speech, villified all who were in favor of the adoption of the constitution; said they should be debarred intercourse with their neighbors and refused admittance to their houses, etc. At the poll at Winnsboro, he says, he heard remarks like the following: "Every man who votes the damned Radical ticket had better look out;" you vote that damned ticket, and it will be the last vote you will ever give;" "if you vote that ticket, I wouldn't be surprised to see you with a load of buck-shot in your jacket before night." These remarks were coupled with gestures and intonations of the voice corresponding to the will to carry the threat into effect.

Charles E. Jordan states, on oath, that he was one of the Board of Registrars for the parish of Franklin, in 1867, and also in 1868; that there was about one thousand and ninety-five registered voters in said parish; about six hundred and two of them being colored voters; that he was in said parish about a month previous to the late elections and remained in said parish until the twenty-fourth of April, 1868.

That he carried the poll book and ballot box to the Redmouth precinct and delivered them to one of the commissioners, and was present on the seventeenth day of April, at said precinct when the polls opened, that the commissioners seated themselves around a table at an open window (the other window and door of this room being closed), and the voters who voted, handed their ballots or tickets to the commissioners. In a short time several other men arrived with *guns* and *pistols* and *sticks*, and stood around and near the polls, threatening colored voters.

One of these men, whose name witness was informed was Bennett, having a stick in his hand, there being a stack of guns near by, said, in witness' presence, that "two damned negroes had voted the Radical ticket this morning, and they were the last that should vote that ticket; that he had them spotted." This was said in an excitable voice, and the crowd of white men present approbated it—all being in the presence and hearing of several colored voters. After the polls had been opened about half an hour or more, the colored voters seated themselves under some shade trees near by, having been trying

to get to the polls to vote, but these men, who were standing near the polls with guns in their hands, had prevented them from voting when they first presented themselves. That after the colored men had seated themselves under the shade, those men who stood around the polls with guns, pistols and sticks, would go out to the colored men and take them by the arms (in some cases one white man to one colored, in others two white men—one on each side—to one colored), and march them up to the polls. Said colored men would then hand their ballots to the commissioners. The Mr. Bennett who made the remark heretofore mentioned, was one of the most active in thus marching the colored men to the polls. Between eleven and twelve A. M., of said day, witness left the ground, not being able to do anything towards having the election properly conducted, and being apprehensive of personal danger if he staid or did anything, and taking the road leading to Winnsboro precinct, passed several colored men, of whom he inquired if they had voted. Some of them said they had, but that they were made to vote the Democratic ticket. That those white men at the polls, with guns, etc., made them vote said ticket, and threatened them with death if they did not, and told them they had best vote said ticket, that if they did not they would get a load of buckshot in their backs, and used other threats of violence. That up to the time witness left Redmouth precinct, there was at least eighty or more colored men on the ground. That there are about two hundred and sixty registered voters in Redmouth precinct, about one hundred and fifty of whom are colored men.

Witness further states that on the eighteenth of April, 1868, he was at Winnsboro precinct; that shortly after the polls were opened, say about nine A. M., some six or eight white men, armed with pistols and sticks, took forcible possession of the entrance to said polls: two of them were the same who had guarded the polls at Redmouth the day previous, the aforementioned Bennett being one of them; that several colored men attempted to get to the polls with Republican tickets, when those white men would take them to one side, or stop them, thereby causing most of them to go away without voting or even getting to the polls, and these colored men informed witness that said white men would not let them go up to the polls unless they would vote the Democratic ticket. That there were at Winnsboro about seventy or more colored voters on said eighteenth day of April, 1868 who did not vote, and that they were prevented

from voting by the white men. That witness was present that day when those colored men were furnished with Republican tickets at their own request, and saw them go with said tickets to the polls, and those white men, armed as aforesaid, turned them back without voting. That those white men threatened, in a loud voice, all Radicals and negroes who desired to vote the Radical ticket; that the colored voters, and even the white voters known to be Republicans were very much intimidated at said election.

Witness further states that from his own knowledge, which was very extensive in said parish, he having been a registrar in 1867 and 1868, and having conversed with the voters generally on the subject of voting at the time the voters were registered, and with a great many just before the late election and some soon after the election; and that if it had not been for said violence and threats of violence in said parish, by white men voting the Democratic ticket, and those who were disfranchised and opposed to the ratification of the constitution, that the Republican ticket headed "For the Constitution" would have received at least 150 majority over the Democratic ticket headed "Against the Constitution." That a person's life would have been in imminent danger in said parish, (especially colored men), if they had given evidence before justices of the peace concerning the frauds perpetrated on the days of election. That witness does not believe it was or is possible for the civil authorities to act in said parish, or for witnesses to testify to the manner in which the election was conducted. That he would have made an official report of this violence if the other two registrars would have consented, but that they reside in said parish, and gave as a reason for not making an official report that their lives would be endangered, although they agreed with witness in regard to said violence and fraud.

The colored men who came to Winnsboro had been assaulted before the election, by some of the men who guarded the doors of the polls on the eighteenth of April, and that these colored men would go out of the way of these white men when they came to town.

Mr. R. Adams, with a revolver in his hand, chased these colored men out of the town, the men running through the registration office.

Witness further states that it was no uncommon thing for these white men to shoot and throw brickbats at the negroes while passing in the streets.

## PARISH OF JEFFERSON.

R. G. Gardner states that during the election of April 17 and 18, 1868, those conducting the election, finding that the Republican voters vastly predominated, drove away all such from the polls, thus preventing many of them from voting at all ; all sorts of pretexts were used to arrest prominent Republicans, in order to destroy their influence and intimidate others. The sheriff and his deputies and the police, all showed, in this manner, marked hostility to the Republicans ; told them they had no business there ; one of the police shot and mortally wounded David Hudson. It was supposed the entire police force were Democrats ; but one voted the Republican ticket, and it becoming known, his badge was immediately stripped off. He was denounced, and on this sole account the city council refused to pay him for his services. After the election, it was currently reported and generally conceded that he (R. G. Gardner) was elected a justice of the peace by a majority of at least four hundred votes, but upon counting the ballots the box was found literally stuffed with Democratic tickets.

M. Raymond states that there was a great deal of intimidation by men who were appointed as special police by the late sheriff, John T. Michel, and the present Mayor of the city of Carrollton. These officers would interfere with men while they were voting, and tried to prevent them from doing so, because they would not vote the Democratic ticket. One of the deputy sheriff's shot and murdered a colored man near the polls.

Dennis Lee states that he was refused the right to vote on April 17 and 18, 1868, on the ground of being too young, although his registration papers were correct, and showed him to be of requisite age. He procured a witness to prove his age, but the commissioners would not hear his testimony. He then demanded his registration papers, when he was arrested, and kept in jail eight days, when he was discharged for want of a charge against him.

Felix J. Leche, being duly sworn deposes and says :

He was present when Mayor F. Frye was registering voters in Carrollton a few days before the election of the seventeenth and eighteenth of April last, 1868. Said Frederic Frye was at the same time a candidate for the office of justice of the peace, in the city of Jefferson, and while exercising the functions of chairman of the

board of registration for the parish of Jefferson, did all in his power to intimidate colored men and prevent them from registering, using an arrogant tone and asking questions to puzzle them, to those who had lost their papers or certificates of registration, he, in many cases refused to listen to them. Whilst to every white man that came, he most willingly gave them papers and would not ask them any questions whatever; a great many to whom he gave papers were not even citizens of the parish of Jefferson. At the same time that said Frederic Frye was committing all these things, witness remonstrated with him for committing such injustices, and was threatened with imprisonment for interfering with him. During election days said F. Frye was most actively engaged in electioneering for himself, for the office of justice of the peace, and continued to superintend the polls; the clerks of the election by him chosen were mostly of a bad moral character; they in several instances suffered men to vote twice, and did act in a most tyrannical manner towards those known to be of republican proclivities, refusing admittance to them, while their friends (of democratic proclivities) could at any time gain admission. The ballot boxes were carried to the houses of the clerks of election; witness saw George Pope, Jos. Hafner and the other clerks of election, carrying the boxes on the evening of the seventeenth and eighteenth of April 1868. Mayor D. C. Woodruff remonstrated against their doing so, but to no avail, in consequence of which he appointed Mr. John Page (and deponent) to wait upon the commanding general (Buchanan), and represent to him his apprehensions concerning said ballot boxes; this was at the close of the election on the evening of the eighteenth of April 1868.

The General referred them to Mayor Keeler, and the Mayor wrote to said F. Frye ordering him to proceed immediately and count the ballots and not stop counting until finished.

Witness was himself charged by Mayor Keeler to deliver the said order, after making him (witness) take cognizance of its contents. Witness delivered said order of Mayor Keeler to Frederick Frye on the evening of the eighteenth of April at eleven o'clock, P. M.; the said Frye received the order, but did not act upon it.

## PARISH OF LAFOURCHE.

D. H. Reese states on oath that he is a resident of Thibodaux; that on the election of April 17 and 18, in direct opposition to orders from headquarters of the military commander, the commissioner of election used two ballot boxes, thus depriving voters of the right to vote upon one ticket for all the candidates they had the right to select, where, if by any mischance, the piece of ticket was put in the wrong box, (as in many instances was the case,) it was thrown out by the commissioners.

Many persons were allowed to vote the Democratic ticket who were clearly disfranchised; and although, as above stated, many Republican votes were lost, and many Republicans sent from the polls by the deputy sheriff, on a charge of being under age, still a larger vote was cast than there were legal voters.

Honorable William Murrell states on oath that he is a resident of the parish of Lafourche; that on April 17 and 18, 1868, he was at the polls at precinct seven of said parish, town of Thibodaux. Many of the prominent citizens of said town were at the polls, interfering with the election. There seemed to be about fifteen commissioners; a deputy sheriff, with a threatening display of pistols, stood at the polls receiving tickets, challenging every Republican voter, but not saying a word to Democratic voters; the colored voters he sent away in squads of fifteen, alleging that they were too young. In regard to using two boxes for voting—one for State and parish, and one for municipal officers, notice was not given until the night previous to the election, thus giving no time for the preparation of the tickets. The Republicans lost thereby many votes, as all that were not properly deposited were thrown out. The returns were otherwise fraudulent, and a gross misrepresentation of the will of the majority.

Francis Sternburg states on oath that he is a resident of and duly qualified voter in the parish of Lafourche; that he was not allowed to vote at the late election of April 17 and 18, 1868, although he showed an order from the secretary of civil affairs permitting him to do so; that many who were clearly disfranchised were allowed to vote; that intimidation and threats were freely used by the Democratic party. Two ballot boxes were used, contrary to orders from headquarters, thus confusing Republican voters, who could get no explanation or instructions, while Democrats were carefully instruct-

ed by those conducting the election. Since election by fraud and trickery, they have prevented Republican officers elect from qualifying and taking charge of their offices.

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### PARISH OF LAFAYETTE.

Michael Casey, a citizen residing in the parish of Lafayette, states on oath that on the tenth of August, 1868, at the hour of about ten o'clock P. M., witness was at Vermilionville. Three colored men informed him that a party of the Ku-Klux Klan had convened at the Court House soon after the ringing of the bell, their object being to drive away or take witness' life, if he did not leave the place. Their reasons for doing this were, that witness was prominent in the organization of the Republican party in that parish, and devoted special attention to the progress of said party. That since June, 1867, the Democrats of said parish have showed their hatred towards him, more particularly those who have committed crimes, and whom he has tried to bring to justice, and by making the following report to the Convention of 1867: "I, Michael Casey, delegate from the parish of Lafayette, do certify that murders and whipping are committed in this parish; that no person is punished for these outrages; that Union men are unable to exercise those rights which the laws which the United States have secured to them, unless they are protected by United States troops, which are greatly needed in this parish."

James Jefferson states, on oath, that he was at Carron Crow on the seventeenth and eighteenth days of April, 1868, and saw colored registered voters prevented from voting by the judges of election. Deponent saw said voters produce their registration papers; still they were denied the privilege of voting. Deponent further states that he saw a white man vote at the aforesaid place on the eighteenth day of April, 1868, without producing any registration paper—not even sworn as to whether he was a registered voter or not.

Leonard Marehand states on oath that he was at the third ward in Vermilionville, on the eighteenth of April, 1868, and heard one of the commissioners of election at said ward say to a white man that he should vote. The man said he belonged to the parish of St. Martin, and did not come to vote. Said commissioner then compelled the white man to vote, and told him he should vote down the constitution and against the Republican candidate.

Janlaus Cowan states on oath that he was at the fifth ward poll during the election of April 17 and 18, 1868 ; that he heard Alexander Moore, who was with a party of other white Democrats, about fifty in number, say to a colored man that if he voted the Republican ticket, he should not remain on the plantation where he was, and that if he did not vote the Democratic ticket, he would be sorry for it. All sorts of threats, intimidation and coercive means were used to make the colored men vote the Democratic ticket. Many colored Republicans, who desired to vote the Republican ticket, were compelled to vote the Democratic ticket.

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### PARISH OF OUACHITA.

*Election of April 17 and 18, 1868.*

Hon. O. H. Brewster states on oath that he is a resident and registered voter in this parish. Mr. Butler, commissioner at Forksville, feared to open the polls on the second day of election without protection, and applied to General Headquarters for it, but it was never sent; threats and intimidation were freely used against the republicans.

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### PARISH OF ORLEANS.

Major B. B. Keeler, being duly sworn, deposes and says: I was in charge of the Bureau of Civil Affairs, under the direction of General R. C. Buchanan. I went on duty in that bureau on the fourteenth of April. The first instructions I received after entering the office was on the morning of the fourteenth. Mr. R. L. Shelly, accompanied by two other gentlemen, members of the Republican committee, or representing the same on this occasion, represented late on that day, to the commanding general, that commissioners of election in the parish of Orleans had been appointed by the registrars almost exclusively from the Democratic party, and asked that both parties be represented in the Board of Commissioners, by direction of the commanding general.

I, that evening, addressed a communication to the chairman of each of the twelve boards (right bank included), requiring them immediately to answer the following inquiry, in electing commissioners of election:

Have you appointed representatives from each political party?

The instructions from the Commanding General, at that time, to me were, that if both parties were not represented in said boards, the registrars should be directed to cause them to be represented.

As near as I can remember without reference to the records, the inquiry was answered by the chairmen of one-half of the boards, that in appointing commissioners of election, both parties had been represented in each Board of Commissioners.

By the chairmen of the other half of the board, the answer was made, that no reference had been made to the political views of the commissioners of election, but that they had selected men of intelligence and ability.

The answer to this inquiry was received, during the sixteenth, the day preceding the election, too late, as I deemed to instruct the chairman last referred to, to make the change asked for by Mr. Shelly and directed by the General, as the election commenced at an early hour the following morning.

I am certain the Commanding General was not aware that men of either political party in numbers, preponderated in these boards.

My associations in New Orleans had not made me acquainted with the political views of these gentlemen, and with rare exceptions, I do not know, at this time, with which political party they had been, or are identified.

During the progress of the election every effort was made, which seemed to me practicable to secure fairness in the conduct of the election, and every complaint, from whatever source, received every possible attention under the circumstances.

The instructions under which the election was mainly conducted, the appointment of registrars, commissioners of election and mode of making returns, etc., had been made by General Buchanan, predecessor of General Hancock, in command, as before stated.

I entered the office of civil affairs, three days before the election, a period of time too short, as will be apparent, to suggest, or make any general change. These instructions directed the commissioners of election to make returns of the election held at their various polls to the boards of registrars of the several wards or parishes in which their polls were held.

It was made the duty of the boards of registrars to consolidate the returns thus made by the commissioners, and to transmit the same consolidated, to the commanding general of the district.

In the parish of Orleans, on the last day of the election, the registrars were instructed to allow two persons from each of the two

political parties, and no others, to witness the counting of the ballots and making of the returns. Early the subsequent day, the nineteenth, it was strongly represented by the chairmen of the boards in the parish of Orleans, that it was impossible to complete this work without a recess for rest. Nevertheless, the original instructions were adhered to and re-affirmed.

Returns from boards in the parish of Orleans began to come in on Tuesday, the twenty-first, and continued to be received for several days, the last of them being received, as near as I can remember, about one week after the election. By the thirtieth of April, I think, the returns had been received from all the parishes in the State. On account of the extraordinary press of business in my office, no examination of them could be made; they were carefully filed, and when all were received, the commanding general appointed a military board, to consist of members of his staff, namely: Brevet Brigadier General L. P. Graham, Brevet Lieutenant Colonel G. W. Lieber, Brevet Colonel J. B. Johnson, who were charged with the duty of compiling the returns and reporting the result to the commanding general. All communications received at that time, relating to the ineligibility, etc., of candidates voted for, were referred to the board for consideration in making their report. The returns from the forty-eight (48) parishes and various municipalities contained, I should judge, fully six thousand names, as about one thousand nine hundred persons were elected, exclusive of municipal officers; and for every office there were at least two candidates, and in many instances more.

The names of those who were candidates for municipal offices made the number about six thousand; this I learned from subsequent examination of the returns. It will be readily seen that the duty with which this board was charged involved much labor and patient examination. The instructions to the board were, to push the work forward without any unnecessary delay, but it was nearly or quite one month, or about the first of June, before the board was enabled to make its report. As soon as it had done so, the commanding general issued his order, announcing the result.

Question.—Please state if you remember a visit made by Mr. Campbell to headquarters, subsequent to the time the returns of the Fourth, Fifth and Sixth Wards of New Orleans had been sent in, and a request from him to be allowed to examine them.

Answer.—I remember distinctly Mr. Campbell's visit, and showing such of the returns as he asked to see. I do not remember which ones these were, but I am of the opinion they were the ones which referred to the election of a senator from the district which he now represents.

Question.—Do you remember the remark being made, that the figures on those returns, as regarded Mr. Campbell's vote, were identical with those which had just been published in the daily papers?

Answer.—In order that my answer may be perfectly intelligible and complete upon the subject embraced by the inquiry, it will be necessary for me to preface by saying that one or two days previously Mr. Sambola, Mr. Campbell's competitor, had applied to me for information as to who had been elected from the Second District of the parish of Orleans to the State Senate. The returns, at that time, were in possession of the military board referred to. I sent a note to the board, repeating Mr. Sambola's inquiry. Colonel Johnson, of the board, came into my office, and told me the returns showed that Mr. Sambola had been elected by ninety-seven votes. He made a remark, which I did not understand, that a mistake had been made in addition of one hundred, which would have elected Mr. Campbell by three votes. He further told me that the returns had been corrected, and Mr. Sambola was shown to have been elected, as before stated, by ninety-seven votes. The substance of the information communicated to me by Colonel Johnson, I stated, I believe, to Mr. Campbell at the time.

Question.—State at what time the returns made by the registrars of election were submitted to the military board by the commanding general.

Answer.—When they were all received.

Question.—State whether a portion of the returns were in your possession, prior to their being submitted to the board.

Answer.—All of them were.

Question.—State if you remember having shown any of those returns to Mr. Hugh J. Campbell, prior to their being submitted to the board.

Answer.—I do; my impression is that I showed such of them as he asked to see; I am also of the impression that those he asked to see were those made by the registrars of the fourth, fifth and sixth wards of the parish of Orleans.

These referred to (Mr. C's) election.

Question—State if you remember whether a copy of those returns were published in several of the daily papers of this city about that time.

Answer—I do not know. The result as gathered by newspaper reporters, I remember to have seen in the papers, but whether they correspond with the returns in my possession, made to headquarters I do not know.

Question—Do you remember Mr. Campbell calling your attention to the similarity which existed between the reports as published in the papers, and the returns in your desk, so far as the vote, returned in his (Mr. C's.) favor was concerned?

Answer—I do not know, although he may have done so.

Question—State if you please, if the result of the vote, as published in the papers in regard to Messrs. Sambola and Campbell respectively, did not agree with the returns there in your office, before the same were corrected.

Answer—I do not remember to have observed, either from the newspapers or returns, how the vote stood for any of the candidates. My attention was not called to it; the information that I gathered from the newspapers on these points, was simply from the editorial and reportorial remarks published therein.

Question—State if you please, how long after the military board concluded the revision of the returns, the corrected returns were made upon the printed blanks, as are now filed in the office of the Secretary of State.

Question—My remembrance is, that I saw no returns, entitled to be called such, that were not made on the printed forms, which were referred to the board for compilation.

The returns furnished to the Secretary of State by the commanding general, were copies of reports and returns, made by the military board referred to, upon a form made by it (the military board). There are exact copies of the reports made by the board to the commanding general.

Preliminary reports were made, as I remember, by one or two of the boards in the parish of Orleans, in order that the commanding general might have information in advance of the regular returns upon printed forms prescribed as they (the board) stated.

Question—What boards made these preliminary reports?

Answer—I cannot state positively what boards made those pre-

liminary reports or returns, but one such report from the sixth ward is now among the papers in the office. I am also of the impression that the board of which Mr. J. E. Moore was chairman, made such a preliminary report.

Question—State, if you please, if the paper, a copy of which is hereunto appended, marked “A,” is one of the preliminary reports referred to.

Answer—I think the one now before me, which I brought here, is, from the fact that it is not sworn to, and that it is not made on the printed form furnished to the registrars.

Question—State at what time the printed forms referred to were furnished by the registrars.

Answer—Before I assumed charge of the Bureau of Civil Affairs, which was three (3) days before the election.

Question—State under what authority the commanding general assumed to make and publish returns of the election of officers, others than members of Congress.

Answer—Perhaps this is a question I should not *assume* to answer, but I understand that he did so under authority vested in him by the reconstruction acts of Congress.

Question—Do you not remember that the acts of Congress, authorizing an election for officers to be held in this State, and prescribing the officers for whose election the commanding general should make returns, enumerated as such only members of Congress?

Answer—I do not.

Question—State, if you please, if you remember an application made to the commanding general, by the board of registration appointed by the late constitutional convention of Louisiana, to have the returns of the election of State, parish and municipal officers sent to that board, as provided for by the ordinance of the constitution.

Answer—I remember that application in writing was received from Mr. S. B. Packard, chairman of the said Board of Registration; that the returns, or copies of these should be furnished to him for the purpose of announcing the result of the election. My impression is, without reference to the original application now on file in my office, that he applied for the returns, or copies of them, of the entire election, constitution, and all officers voted for; but it is possible he applied only for the returns specified in the inquiry.

Question—State, if you please, what reply was made to this application?

Answer—As near as I can remember, without reference to the copy of the reply now on file in my office, it was in substance that the returns applied for had been refused to a military board for compilation and report as to the result of the election, and that when the report of said board should be made to the commanding general, he would, in orders promulgating the result for the information of all parties concerned.

Question—State, if you please, if the commanding general recognized the authority of the Board of Registration to receive and promulgate the result of the election for all officers except members of Congress?

Answer—My understanding of his views was that he did not.

Question—State if the commanding general recognized the provisions of the ordinance of the constitution, relating to the election of officers for this State, as binding, or as having any force or authority whatever?

Answer—My understanding of his views was that he would, as far as he deemed it practicable under his obligations and powers, defined by the reconstruction laws, act *in accordance with* the provision of said ordinance, but that it was not binding upon him in all of its provisions.

Question—State, if you remember, whether the commanding general did not hesitate for a long time whether to order a municipal election or not, and whether he decided to order it; he did not do so upon his own responsibility, without finding any warrant therefor in the reconstruction acts of Congress, and no other warrant in law, except that to be found in the ordinance of the constitutional convention.

Answer—The order of the commanding general for an election for municipal officers was issued, as will be seen by reference to its date, and to my testimony herein before given, before I assumed charge of the department of civil affairs. Therefore, I do not know what arguments induced his order, or whether he had any hesitation on the subject.

*By the Hon. P. Harper.*

Question—State whether any reports were made to headquarters

in regard to military interferences, or in regard to frauds in the late election?

Answer—I do not know of any.

Question—Was that promulgation the one referred to in the communication of the commanding general to the Board of Registrars, which was subsequently issued to persons elected as State, parish or municipal officers as certificates of their election?

Answer—Orders were issued relative to State, parish, municipal and judicial officers. Copies of these were issued to the persons therein declared elected as certificates of election.

Question—State whether there were any instructions previously given to the chairman of the Board of Registrars to appoint representatives from each political party in selecting the Commissioners of Election?

Answer—As before stated by me, the instructions and regulations, under which the election was mainly conducted, were issued by General Hancock, General Buchanan's predecessor. Whether any instructions to this effect, previous to the time referred to in my testimony, were issued, I am not aware. Certain it is, that as soon as as the subject was presented to the commanding general by the representatives of the Republican committee, he gave the matter his most serious and prompt attention.

*By the Hon. Hugh J. Campbell.*

Question—State, if you please, what order was made by the commanding general, after the election, with reference to the preservation of the ballots?

Answer—The ballot boxes were directed to be sealed, with the ballots inside, and transferred to the sheriff, who was held responsible for their security. Receipts of the sheriff of the parish of Orleans for these boxes are on file in my office. The registrars were charged to seal the ballot boxes, and to deliver them to the sheriff.

*By the Hon. P. Harper.*

Question—Was the answer made by the several chairmen of the Boards of Registrars, to the inquiry relating to the appointment of representatives from each political party as commissioners of election, deemed satisfactory by the commanding general?

Answer—In cases where they answered that both parties were represented, it was satisfactory; in the others it was not. He (the general) deemed it insufficient that good men, without regard to party, had been chosen. His desire was that the good of both parties should be chosen; and, as I think I have before stated, had the subject been presented to him a sufficient time before the election, he would have ordered a change. In fact, as I have before stated, he did order that both parties should be represented, the evening that Mr. Shelly, on behalf of the Republican committee, brought the subject to his notice. This was the evening of the fourteenth, about forty-eight (48) hours before the polls were opened, and when the answers referred to were received, it was only a few hours before said polls were opened, too late to make the change he deemed desirable. This is a subject upon which he (the general) afterwards expressed regret, as his desire was that neither party should have cause of complaint of unfairness.

*By the Hon. Hugh J. Campbell.*

Question—State whether you were not aware that a majority of registrars and commissioners of election at the Fourth, Fifth and Sixth Wards of the parish of Orleans were Democrats, and whether that fact was not known at headquarters?

Answer—I did not then nor do I now know, and I am as certain as I can be of almost any fact that the commanding general did not, and does not, know of what party these men were or are.

*By the Hon. P. Harper.*

Question—Were there any instructions, given or implied, to the chairmen of the Boards of Registrars, that no colored persons should be appointed as commissioners of election?

Answer—I am certain that General Buchanan neither issued any such instructions, nor implied at any time that such was his wish.

(Signed)

B. B. KEELER,

Brevet Major United States Army,

Late Secretary Civil Affairs.

Sworn to and subscribed before me, this twenty-seventh day of August, 1868.

(Signed)

HUGH J. CAMPBELL, Chairman.

## PARISH OF ORLEANS—FIRST WARD.

Mr. John Clark swears that, on the seventeenth of April, at poll No. 2, precinct No. 1, he saw twenty men refused permission to deposit their ballots; and he further says that he told the men to go back again and deposit their votes, as that was the place for them to vote.

At Poll No. 2, there was one man who remained there all day challenging the votes of nearly every colored man at times. He was, with other white men, allowed inside the engine house in company with the commissioners. Several times I saw ballots lying on the table that were handed in by voters, and the men would leave supposing their ballots were deposited in the box.

I further state that, in my opinion, in the two days of election, there were at least seventy-five or a hundred voters driven away by the engine party and other parties.

Frank Hastings, being duly sworn, says that he saw Commissioners of Election at No. 20 engine house take colored men's tickets and drop them and put democratic tickets in the ballot box. That he saw about twenty (20) tickets done in the same way. That he knew the tickets to be radical tickets because they were white and given by colored young men, and had Lincoln's head upon the top of the ticket. The twenty colored men that voted and had their tickets replaced by democratic tickets, voted with their tickets open. The democratic tickets were placed in the ballot box folded. That he knew the difference between the democratic and radical tickets, as they were of a different color. Policeman Campbell and colored men standing at the front say they saw about ten or twelve treated this way; that forty or fifty (40 or 50) left the poll, being afraid of losing their situations. That he saw twenty (20) white men vote to (1) colored man. That he cannot say what the comparative number of white and colored men were at the polls. That the colored men were standing in two ranks; this was the case on both days. The colored men numbered about one hundred (100) in each rank. The white men were not in line, but would go, directly vote, and leave. Saw ten or twelve white men go into the room and vote where the ballot box was.

*Cross Examined.*

That he counted twenty republican votes that were pushed behind the ballot box and others put in their place. Knows the difference between radical and democratic tickets. Got some of the radical tickets from the club room.

Did not call any one's attention to the fact that Republican tickets were thrown behind the box and Democratic tickets put in the ballot box instead, because he was afraid of being shot down.

Robert McGee being duly sworn, says: That he lives in the seventh ward, city of New Orleans, La., and that his attention was called to the registration papers of several colored men who were told by the commissioners, when they tendered their votes, that they must go to another poll. These men were entitled to vote at this poll, which was their first precinct, seventh ward; witness is of the opinion that not less than one hundred (100) were thus refused who were entitled to vote at said poll, witness saw policemen drive colored men away from the poll, the colored men were orderly, and knew no reason why they were so driven away. Witness also saw policemen and other white men drive colored men from the poll on Hunter street; a colored man who had his ballot and registration papers in his hand was driven away and beaten; witness was at the Hunter street poll on the eighteenth for three fourths ( $\frac{3}{4}$ ) of an hour: white men were driving colored men away from the poll; the white men had Democratic tickets in their hands and the colored men had Republican. Witness estimates the number of colored men driven away from this poll at sixty (60), all voters, during the time he was there.

S. Walker states on oath that he resides at No. 288 St. Thomas street, first district, first ward. On the day of election, April 17, 1863, he was at the polls on Hunter street, poll No. 2, precinct No. 1, ward No. 1; he went there at six o'clock, A. M., with fifty colored voters whose certificates of registration he examined and found correct; he gave them each a republican ticket and took them to the poll; each and every one of these men were entitled to a vote at this poll but they were all refused except five. The reason assigned was that some one who knew nothing about these men had said that some of them lived in Carrollton and in different parts of the ward. The colored men volunteered to show where they lived but the commissioners told them that they could not vote on account of their

votes being challenged; that they must go elsewhere, and if they came back to that poll again they would have them arrested. He then took them to number twelve's house, poll No. 1, precinct No. 1. The commissioners there refused to take their votes, and told them to go to the Hunter street poll No. 2, which was the one they had just visited. About ten o'clock in the morning he again went to the Hunter street poll No. 2, with twenty-five men, each of whom had Republican tickets.

The Commissioners refused all their votes except one, and told witness to take them back to No. 12's house, which he did. The Commissioners then again refused their votes, and told them to go back to No. 2, on Hunter street. On arriving at poll No. 2, their registration papers were examined by the commissioners, who asked them if they were old enough to vote. They answered yes. They were also asked if they ever stole horses, mules or anything else, and were then told to go away and not to come back; that if they did they would be arrested and locked up. A police officer was then called, and the men driven away. Many were obliged to leave their registration papers behind.

During the first day of election, witness saw about one hundred and fifty men's votes refused by the Commissioners of election at poll No. 2, precinct No. 2, to each of whom he had given Republican tickets.

Early in the morning (April 18), witness and Dennis Williams went to the poll on Hunter street with forty-five or fifty men, each of whom had a Republican ticket. They halted them at the corner, and took two at a time to the poll to vote. All were refused except ten. The registration papers of those refused were examined by Colonel Young and S. S. Fish, who pronounced them correct, and that they had a right to vote at said poll.

During the two days of election witness brought to the two polls about three hundred or three hundred and fifty men, of whom only fifty were allowed to vote. All of the men who were refused would have voted the Republican ticket.

David Guerson states, on oath, that on the eighteenth day of April, 1868, he went with three men to and from No. 12's engine house, and thence to Hunter street. They were not allowed to vote at either of these places, and the registration papers of one of the men was taken away from him. Witness afterward went with him to the

First Justice of the Peace, who took his affidavit in regard to the loss of his papers. They then returned to No. 12's engine house, and found his registration papers lying on the table. He was told that he could not vote on two papers. A policeman who interceded for him was arrested and sent to Pacanier station. Witness further states that in his presence some twelve or fourteen men of color were not permitted to vote. He interceded for them, for which he was threatened with arrest by the deputy sheriff appointed for those days of election.

Nelson Wordy, states on oath, that at the poll on Hunter street there was a line drawn between white and colored voters, that during the first day of election, April 17, 1868, there were about fifty colored voters present, and about ten or fifteen white voters; the latter were given the preference in voting. On the eighteenth of April, 1868, the last day of the election, *two* men handed in their certificates at the same time; the commissioners refused to let them vote, stating that one man had handed in the two certificates, these two men did not vote while witness was there; one of them tarried for three hours, endeavoring to get his registration papers.

Witness further states that at least *twenty-five* men who had affidavits from Judge Gifford's court were not allowed to vote, their affidavits had on them the seal of the court; this occurred during both days of election. Witness was registered in the parish of Jefferson. At first the commissioners refused to allow him to vote because he was registered in that parish; when he filed an affidavit the commissioners said that it was not in due form, said affidavit had the seal of the court. Witness further states that at the poll at engine house No. 12, the Democrats challenged all the colored voters; these Democratic challengers were allowed inside of the poll where the ballot box was kept; witness remonstrated against this to the commissioners, but received no satisfaction; witness saw about forty colored men refused the right to vote by the commissioners, whose registration papers were examined and who should have been allowed to vote; he asked the commissioners to allow him the privilege accorded to the Democratic challengers of going inside the room. He received no answer to his request.

## PARISH OF ORLEANS—SECOND WARD.

Michael O'Hara states on oath : That he was one of the supervisors of the election held on the seventeenth and eighteenth of April, 1868, appointed by the Board of Registrars of the State of Louisiana; that during the time he was at the polls he saw a great many colored men turned away from the polls, and not allowed to vote because they were too young, they said. The commissioner told a great many other colored men that they were not at the right poll. Deponent further states that he examined the papers of these colored men refused the privilege of voting, and found that they were at the right poll; but the commissioner still refused, alleging that they were too young. There were a great many who had lost their registration papers, and made affidavit to the same, and were refused the privilege of voting on said affidavits. Witness saw Jerry Sullivan, deputy sheriff, at poll number two, precinct number three, at about 6:30 P. M. on the eighteenth instant, come out on the banquette, take a handful of Democratic tickets, fold them and put them in the ballot box at this poll. During the election he saw Democrats take tickets away from colored men while they were in line, waiting their turn to vote, and give them Democratic tickets. By the intimidations practiced at this poll, it is the witnesses's opinion that the Republican party lost a great many votes.

Cross examination : Witness was on the banquette with a deputy supervisor, when he saw the deputy sheriff put the tickets (Democratic) into the box; there were a number of persons standing around the ballot box at the time; very few were voting at the time. Sullivan and the commissioners were inside of the poll room; one of said commissioners was sitting at the table on which stood the ballot box; the other two were writing at said table. Any one looking into the room could plainly have seen Sullivan put said tickets into the box; deponent saw said Sullivan from the time he took the tickets on the banquette until he put them into the box. Mr. Sheehan, the deputy supervisor, also saw said act. Deponent is positive that said tickets were Democratic tickets; he could plainly distinguish from the outside appearance of the tickets that they were Democratic, because the Republican tickets were shorter and much wider.

E. T. Burnham, states on oath that he resides at 304 Carondelet street, second Congressional district; that he voted at the engine

house, corner of Perdido and Carondelet streets, at the election held in this State on the seventeenth and eighteenth of April 1868. Deponent says, that he spent most of his time at the polls during these days of election, that were located in the second, third and fourth wards; states that he voted the republican ticket, that the polls were managed by the democratic party; saw policeman and deputy sheriff take republican tickets away from negroes while they were in line waiting to vote, and give them democratic ones; he saw at least twenty or thirty freedmen swindled out of the tickets they desired to vote; deponent saw a policeman on duty at the poll corner of Perdido and Carondelet streets take from the commissioner the registration paper and ticket of the freedman offering to vote, and substitute a democratic ticket, and then hand it to the commissioner. In one instance in the fourth ward, he saw the commissioner and a policeman take a freedman's republican ticket, lay it on the table and substitute a democratic ticket for it. Witness understood that one of the commissioners at this poll had been arrested for changing votes. Witness used his influence and endeavored to see that the freedmen were allowed to vote the ticket they desired, for this he was "hushed up" by the crowd, who appeared to be on the democratic side and told that he must leave the polls. Witness states that all white men were always to vote without hinderance at No. 14 engine house, on Common street, but that the freedmen were kept back until their number was increased to about two hundred. Witness spoke to the policemen and deputy sheriff about this unjustness to the freedmen, and they told him he had nothing to do with it, and to mind his own business. A great many freedmen left this poll, not being able to vote. Witness was at this poll several times during the day, sometimes would remain two hours, and always found a large preponderance of colored voters; there were at least fifty colored to one white voter. Witness could not get the names of the policemen and deputy sheriff at this poll, only two of the policemen had numbers on their hats; the colored men were driven out of line and white men put in their places to vote. Witness saw large numbers of white men have free access to the commissioner's room where the ballot boxes were kept, and use their influence for the success of the Democratic party.

A. J. Whittier being duly sworn says, he is resident and voter of the Second Ward; says he was a Supervisor of the late election, in particular at twelve's house, Tchoupitoulas street; that he was a Deputy Sheriff, appointed by Avery, and saw at least one hundred

voters on the first day excluded from voting; that he examined the papers of those men; they were regular and correct. He examined regardless of opinion; these were all colored. What called his attention was they were all colored. There was a young fireman stationed near the poll; as fast as the colored voters would come he would say to them : "you can't vote here," without even examining their papers. I called his attention to the fact that no man was authorized to challenge, according to general orders, except the commissioners; took those men to the commissioner, and compared their papers with the poll book. Notwithstanding this they were refused, and forced to retire from the poll by the police, and did not vote. Toward night said he went to Hunter street poll; he saw about twenty-five colored voters whose papers he examined and found correct, were not allowed to approach the poll; these papers were examined at the outskirts of the poll; the men were driven away by men who boasted during the day that they would drive all the damned niggers away. On the second day, eighteenth of April, went to twelve's engine house, and saw the same proceedings going on; was the same as the day previous; about the same number was rejected. He examined about one-third of their registration papers. These men were rejected by the commissioners; to the best of his knowledge these men did not return to vote. Affidavits of lost papers were rejected. Says the poll was closed about five o'clock, on account of the rain; all those that were outside went away without voting. At the time of the closing of the poll the engine house was filled up with commissioners, policemen, firemen and deputy sheriffs; two of the deputy sheriffs took hold of him, saying : "By what right do you interfere with the papers of voters." I replied that I was a supervisor, commissioned by the Board of Election. They wanted to know if I had reference to Packard & Co. I said that I had. They said that they did not recognize anything from that damned institution. I also said that I was deputy sheriff, and showed my badge. They told me that I must pull out my papers and show them, which I refused to do. They then told me that I must leave the engine house or they would kill me. I claimed protection from the police, and asked for an escort to get to the door. I was refused. I then backed out to the door on the sidewalk; they there crowded me on the banquette, crying and shouting : "kill him—shoot him—cut him—the damned Yankee son of a bitch."

Cross examined : About two hundred votes were excluded on both days; witness can not call the names of any of the men, but has a

large list of them at home. This was at poll one, precinct one, first ward; knows that they did not come back to vote.

Dennis Downey states on oath, that he was the policeman on duty at precinct No. 4, poll No. 2, Ward No. 2. He saw a negro named Stephen Watson attempting to vote. He had a republican ticket. Witness went to the negro and asked him how long he had been in the city. He answered, only three days; that he had just arrived from Georgia. Witness looked at the affidavit upon which Watson offered to vote. It was one taken before Justice Gifford, and was signed by him and, with his mark, by Watson. The contents of said affidavit went to prove that Watson had been duly registered in the parish of St. Martin (as witness believes). That he had lost his registration certificate; and that he had been residing in New Orleans for ten days previous to the day of voting. Watson told witness that he had never been registered anywhere, and that he had never lost any paper or certificate of registry. He said a man came to him on that day, or a day previous, took him to the office of the magistrate, made him raise his right hand and read something to him which he did not understand, then gave him the papers and a ticket and told him to go and vote.

Watson had a radical republican ticket in his hand, and offered to vote it. Upon his above statement witness arrested him on the charge of perjury, and gave his affidavit to J. H. Moore, chairman of the Board of Registrars for the Second Ward, and sent Watson to jail. Witness saw G. W. Mader at the poll aforesaid. Mader was a candidate on the republican ticket for the State Senate. Witness had all the men at the poll divided into two lots, the whites and blacks apart, and each lot in rank on either side of the door leading to the polling place. Mader came and walked in front of the whole line of the negroes, and required each to show the ticket he had and intended to vote. Whenever a democratic ticket was shown to him by a negro, he took it out of his hand and tore it in pieces, and made him take a republican ticket in its place.

Witness saw Jordan, the colored drummer, take democratic tickets from the hands of the negroes and give them republican ones in their stead. He would jerk the democratic tickets out of their hands violently, ask them who had given them such tickets, and whether they would vote them. He would then tear them to pieces and give them radical tickets, and told them those were the tickets they

should vote. Jordan was very violent in his talk and manner to the negroes.

Witness then resided at No. 223 St. Thomas street, and now lives at 296 Annunciation street.

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### PARISH OF ORLEANS—THIRD WARD.

In this parish the following is a brief summary of the evidence offered to the committee to establish frauds.

H. P. W. Sert states on oath that he was an acting deputy sheriff in the city of New Orleans, on the seventeenth and eighteenth days of April, 1868. He went on the morning of the seventeenth to poll three, precinct three, third ward, to deposit his own vote. The commissioners of election refused to receive his vote, saying his name was not on the list. He called their attention to the order giving persons who had a right to vote in any other parish the privilege of voting here, if they had been in the parish or ward ten days or more previous to the election. They said they had no instructions to receive such votes. He then went to Captain Scott, chairman of the Board of Registrars, and informed him of the facts of the case; whereupon he sent said commissioners instructions to receive such votes. According to his instructions, he (Sert) then proceeded to visit the different polls in said ward, to see how the election was being conducted.

At the poll on Tchoupitoulas street, between Lafayette and Girod streets, he saw the vote of a colored man rejected on the grounds above mentioned. He showed the commissioners the order of Captain Scott relative thereto. One of said commissioners replied that he had nothing to do with the order, and if he (Sert) interfered with his business he would tear off his badge as deputy sheriff and have him arrested. The votes of several men were rejected on the same grounds.

Republican tickets were handed to this same commissioner by voters and changed by him for Democratic tickets, and said tickets deposited in the ballot box contrary to the wishes of the voters. This commissioner was finally removed.

The commissioners at all the polls were in this way conducting the election in a most fraudulent manner.

He reported these facts to the Adjutant General who replied that that was none of his business—his duty was only to preserve the peace.

At polls where the colored voters outnumbered the white voters the colored men were hindered and obstructed in their voting on the most frivolous pretexts. At engine house No. 18 a man came quietly to vote the Republican ticket; a loafer seeing this, asked him if he had not made a mistake? The man replied no—that he knew what he was about. The loafer then told him that he was a “damned white nigger if he voted that ticket.” After voting he left the polls, and in passing a corner near by, he was met by said loafer and others, who knocked him down and beat him brutally.

J. W. Quinn, William J. Furness and James A. Finn, supervisors of election in the Third Ward, report that the polls were opened and closed at the proper time, but the commissioners of election in this ward (Third Ward) were all partial to the Democratic party, and placed all obstacles in the way of colored men voting. One commissioner of election, by the name of White, serving in the fifth precinct, changed a Republican ticket for a Democratic one, placing the latter in the box. All of the deputy sheriffs, principally composed of ex-rebel soldiers and thugs, electioneered openly for the Democratic party. They also used every means to intimidate colored voters by abusing them. James A. Finn, one of our supervisors, was arrested for instructing colored men where to vote. Witness further state that said James A. Finn was kept in confinement for twelve hours.

Adolph Adams states, on oath, that he resides on Julia street, in the city of New Orleans, in the Third Ward of said city, and that he had resided in said ward and city for two months previous to the election, and that he presented himself at poll No. 2, sixth precinct, Third Ward, for the purpose of voting the Republican ticket, but was refused on the ground that he had registered in the parish of St. James, and was told that he must go to that parish and vote.

Captain W. L. Evans states, on oath, that he is a resident of the city of New Orleans, Louisiana, and that he had a conversation with Jacob Van Zant, chairman of the Board of Commissioners of Election at poll No. 1, precinct No. 7, city of New Orleans, on the seventeenth or eighteenth day of April, 1868, at which time said Van Zant acknowledged that he had prevented three or four hundred (300 or 400) colored voters, who were legally entitled to vote from voting,

and that he did so because Simon Jones had made no overtures to him, and he was determined to defeat said Jones and others at all hazards.

Jacob Van Zandt, states on oath, that during the election of April 17 and 18, 1868, he served as a commissioner of elections at poll No. 1, precinct 7, ward No. 3. An individual offered to vote on registry papers No. 418, issued in favor of William H. Nicholls; he offered to vote the Republican ticket; he was sworn, and upon being questioned under oath he gave a different name and residence from that contained in his certificate, by virtue of which he claimed the right to vote; his vote was refused and he was arrested. Some time after another individual wanted to vote the Republican ticket on registration certificate No. 6969, issued in favor of George Malcomb; when sworn and questioned under oath, this man too, gave a different name and place of residence from that contained in the certificate; this man was arrested and on his person was found another certificate of registration, No. 1594, issued in favor of Peasant Brown. The name and residence given by this man did not correspond or agree with those contained in either above named certificates. The man stated after his arrest, that one of these certificates belonged to a colored man who had voted upon it, but the certificate was not marked "voted," as was required. Both of these colored men were placed under oath because their votes were challenged.

Witness was an officer in the Union army during the late war, and could take the commissioner's oath, and was appointed by Captain Scott, the chief registrar. On Sunday morning, the day after the election, between the hours of eleven and twelve o'clock, he was approached by a person who said he came from the headquarters of the Republican party, where, he said, all the prominent leaders of said party were assembled. Witness understood him to mean that he came from the Republican Central Committee, and that he was authorized to speak for them. He first sent a note, in which he informed witness that he wished to see him on important business, etc. As chairman of the commissioners at his poll, witness directed that the person be admitted, and he came in. Aside from other persons, he spoke to witness as follows: "You can have the place of Chief of Police; you was foolish in not letting certain parties know that you was one of the commissioners. If you had done this you could have made a very nice thing out of it. Lewis, the candidate for Mayor, is running ahead, and he will be elected by a large majority; but we are afraid for Jones, candidate for Congress. If he is defeated, Lewis

will appoint him Chief. The Republican party or committee desired Jones to get three hundred majority at that poll (witness'), and that if witness could increase that majority one hundred, so as to give Jones four hundred majority at his poll, it would insure his election, and in that event witness should be appointed Chief of Police." This is in substance what this person said to witness; something else, about giving him money, was also said, but witness cannot remember now exactly what it was. Witness was angry and excited, and for that reason failed to note particularly what was said. He rejected the proposition with indignation, and declared it to be his purpose to secure a fair election, as far as it was in his power.

Witness knows that at the poll at which he was not a single illegal vote was cast for the Democratic ticket. Many attempts were made to cast fraudulent votes for the Republican ticket, but these attempts were defeated by himself and other officers stationed at his poll. On the last day of the election during three or four hours there were but few votes cast, and during said time hundreds of votes could have been polled had they been offered. Witness further states that at his poll everything was conducted fairly and squarely and about nine hundred votes were legally cast.

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#### PARISH OF ORLEANS—FOURTH WARD.

B. F. Joubert, states on oath, that during the seventeenth and eighteenth days of April, 1868, at the poll corner of Conti and Basin, Mr. Sambola went to the men who were distributing Republican tickets and got a number and commenced scratching names from them and substituting others; information of this fact being given by witness to the men so distributing, they went and took the tickets from Mr. Sambola, at which he became very indignant and called for a police officer, saying that he had been insulted; witness remonstrated with him and told him that he was in the fault, whereupon he became very much excited and said he would "go after his Sicilians," (many of whom were appointed deputy sheriffs by sheriff Avery). Witness told him that he did not care for him nor his Sicilians; that if any one was to be arrested it was him, as he tried to incite a riot, but if his "Sicilians" were to come they would be well received, "as we were well prepared for them." At the poll

corner of St. Peter and Claiborne streets there were a great many voters, the majority of which were colored; they were divided into two ranks, one for white and one for colored, and went up to vote two by two, alternately, as there were about twenty colored men to five white men; this was not fair; five colored men should have been allowed to two white men.

At the poll on St. Philip street a colored man presented his certificate and desired to vote. The commissioner took it and told him to come the next day (eighteenth). He replied, "If I cannot vote to-day, then give me my certificate." But they would not, but said they would give it to him the next day. This man was born in the city, and had never been out of it.

On the eighteenth, at the poll on Orleans street, Mr. Montamont, Mr. Lemarie, and others, brought up a freedman, who was much frightened, to make him vote. Mr. Crozat, commissioner, questioned the man, who was not able to tell his residence (as he had none), so he refused to receive his vote. These gentlemen then took him to poll one, on St. Peter street. Witness also proceeded to said poll, and informed the commissioners that this colored man was a vagrant, and objected to his vote being received; but one of them said if there was a witness present who could swear that the colored man had been in the parish ten days preceding the election, they would accept his vote. One of the party who brought him said he would swear to that fact, and his vote was received, when the party left him. Witness, seeing that he was crying, asked him what was the matter. He replied that those men promised to give him two dollars, but had not done so.

At the poll on Orleans street the commissioner refused to receive the vote of a man who had lost his registration papers, but presented an affidavit to that effect, sworn to before a "notary," stating that he was acting under the orders of Mr. Fields.

Several Creolians, acting as deputy sheriffs, were drunk and noisy.

Everything was carried on on the Democratic side. Democrats were allowed inside the poll room, but Republicans were not. Democratic candidates were admitted inside, but not a candidate of the Republican party, nor any member of that party, was allowed the same privilege. Many Republican voters were prevented from voting by the arrangements at the polls.

The deputy sheriffs in the Fifth and Sixth Wards were generally a set of "thugs" and Creolians of bad character. Some few were men of good character.

J. F. Mollere states on oath, that during the election of April 17 and 18, 1868, in the Second District, fourth and fifth wards, fifteen or twenty colored men were arrested, who went to the polls to vote, and who had a right to vote. These men were locked up in jail and not released until after the election. At the polls, and particularly at Pelican 4, fourth ward, the colored men were made to fall in by twos and vote in rotation by turns; but when white men arrived, they were allowed to come immediately to the poll and vote without delay, crowding back the colored men who sometimes had been waiting hours before them. Nine out of ten of the deputy sheriffs appointed by Dr. Avery, sheriff of the parish of Orleans, tried to make the colored men believe that was not the right poll for them to vote at, and thus kept them traveling from poll to poll about the district.

A majority of these deputy sheriffs were of the class of men known in the parish as thugs, cut throats and assassins. Some of them had served their time in the penitentiary. During the five days that the registration was open before the election, over five hundred (500) men, to witness' own knowledge, were allowed to register by the registrars appointed by Gen. Hancock who were clearly disfranchised by the reconstruction acts of Congress.

On the morning of the seventeenth of April, 1868, one of the judges of election in the fifth ward told a gentleman that he had received instructions from Mr. Fields, chairman of the board of registrars, to use all the means in his power to defeat the constitution.

After the election, the prisoners that were arrested on the days of election in the Second District, were brought before Recorder Gastinel, who talked a little to them, telling them to go home and behave themselves and say no more about it, or words to that effect.

The statement in regard to deputy sheriffs is not intended to apply to the deputy sheriffs all over the city, but to a majority of those in the Second District.

A fair election in the Second District, city of New Orleans, on the seventeenth and eighteenth days of April, 1868, would have resulted in a republican majority of from ten to twelve hundred.

E. J. Jenkins states, on oath, that he was chairman of the Board of Registrars for the Fourth Ward, Second District, city of New Orleans; that he appointed two commissioners, (Mr. Baumbach and Mr. Vallas), for said ward; that the other ten commissioners were appointed by his colleagues, Messrs. Haile and Davis; that both

these gentlemen were democrats; that there were no particular rules or regulations concerning the appointment of commissioners from each political party. Witness knew nothing of the politics of the ten commissioners appointed by his colleagues; the two that he appointed were Republicans. Witness received a letter from military head quarters making inquiry relative to the politics of the commissioners of election, to which he replied that the commissioners had been appointed without reference to their politics. Witness' impression is, that his colleagues being democrats, took matters into their own hands. A difference of opinion having arisen between witness' colleagues and himself in relation to the registration of Mr. Charles Gayare, witness suggested to Colonel Gentry, that a change be made in the Board of Registrars, but does not know that any statement was made by the colonel to the General commanding, and no change was made. We (the Board of Registrars) received the ballot boxes from the commissioners of election. After the count had been made and turned them over to the sheriff of the parish, George W. Avery, and received a receipt for the same, and turned it over to military head quarters.

Question. What was done with the ballots and other records of your ward? Describe the whole process from the time the polls were closed until you finally gave up possession of all the records of the election.

Answer. The ballots, tally lists and poll books were put into the ballot boxes which were then sealed and delivered by myself to the sheriff of the parish, George W. Avery, and I took his receipt for the same. I also delivered the books of my office and the records to Captain J. E. Scott, detailed by orders from head quarters to receive them, and took his receipt for the same.

Several days elapsed (say ten or twelve) from the time the boxes were delivered to me until I turned them over to the sheriff, during this time they were under the care of the board of registrars aided by two policemen especially detailed to attend to our office; no one was permitted to meddle with or touch the boxes during this time, except the members of the board of registrars and the clerk of the board.

Mr. Haile, Mr. Davis, witness and Mr. Waterman the clerk of the board, opened the boxes for the purpose of examining the tally lists and making up the returns, and to compare the commissioners' report, as we had to condense their report. Witness was present during the time, and this was all done under the supervision of the

board. There were some twenty-six certificates of registration taken from persons attempting to vote, by the commissioners of election at poll No. 1, preeinet No. 9.

Witness understood they were taken on the grounds of the parties attempting to vote twice.

These certificates were turned over to Messrs. Haile and Davis by the commissioners, and by them turned over to headquarters. Witness was not consulted personally in this matter, though he was chairman of the board. In one case Mr. H. J. Campbell, called witness' attention to the taking of a certificate of registration from a person attempting to vote. Upon attempting to investigate the matter the commissioners of election threatened to arrest Mr. Campbell and witness. Witness called the attention of the policeman to the fact that the commissioners of election were acting under his orders. Witness was acting under authority from military headquarters.

Witness understood from the commissioner that Captain De Russey, of the army, authorized them to retain the certificates of registration from persons attempting to vote illegally. All the ballot boxes of the fourth ward were sealed when they were received by the Board of Registrars from the commissioners. In each box we found the ballots, tally lists and poll books. We did not recount the ballots. Mr. Colleagues and Mr. Waterman, the clerk, recounted the tales, and made up the returns of the ward from them. The ballot boxes, when turned over to Sheriff Avery by deponent, were all looked, sealed and in a sound condition, with the keys attached. The boxes were turned over to Sheriff Avery by order of General Buchanan. The books turned over to Captain Scott were the registry book, (with index), the oath book, the old poll books, articles of stationery, printed and other, that was on hand, with a copy of the returns made to headquarters.

Witness did not count the registration certificates turned over to the board by the commissioners. No disposition was made by witness of any of those certificates. On the second day of election several complaints were made to witness regarding injustice to voters by commissioners, deputy sheriffs and others. Witness investigated some of these complaints, and his conclusions were, from these investigations, that many of the commissioners were not the right men for the positions; that they had erred through ignorance and political partiality, and that through this ignorance and partiality they had not conducted the election fairly in the ninth precinct.

Late on the last day of election witness received instructions from Colonel Gentry to change the commissioners at poll one, precinct nine, if they obstructed or delayed the voting; but it was too late then to make the change.

Witness supposed that ten out of the twelve commissioners appointed for the fourth ward were Democrats.

From what witness saw of the deputy sheriffs in the fourth ward, he thinks they performed their duties satisfactorily, having heard no complaints made against them by the commissioners or others.

Augustus Davis states on oath, that he is a resident of New Orleans, and was a registrar of voters in the fourth ward, Second District, and continued to act as such until after the election of April 17 and 18, 1868. At the close of the election witness thinks that the ballot boxes were taken to the sheriff's office by an order from headquarters Fifth Military District. When the count of the commissioners was finished, and the reports had been made by them and handed to the registrar's office, the boxes were sent to the office, enclosing ballots and commissioners' returns. In two or three days, witness believes, they were sent to headquarters in order to have them recounted. The returns were made by the commissioners of each poll and handed to the Board of Registrars. It was the duty of the registrars to consolidate the returns made by the different commissioners, and report the general result of the ward to the Commanding General. It was the duty of the Board of Registrars merely to make a report of the returns of the commissioners, and also to supervise the conduct of the election.

Question—What was the character of the returns made to you by the commissioners?

Answer—They were what was generally termed tally lists; that is, a paper containing the names of all the candidates, and opposite each the marks or tallies which were made as the ballots were called out.

Question—Was it your duty, as registrar, to change or alter these lists in any way?

Answer—It was not. We would not feel justified in going back and correcting the mistakes of the commissioners.

Question—By whose order were registration papers taken from voters in your ward?

Answer—I do not remember by whom the order was given, but

there was a gentleman who came into the office and complained of papers being taken away. He was advised to go around to headquarters and find out if they had a right to keep their papers. I heard afterwards that an officer from headquarters had been around to the polls where the complaint had been made, but I do not remember what answer he gave. No such order was given by the Board of Registrars, to my knowledge. Something like thirty or thirty-five of these certificates, taken from voters, were sent in to me from the precincts of the ward; the majority were from the ninth precinct. These were sent to headquarters after the election.

Charles Cavanac States on oath, that he is twenty-nine years of age, and a resident of New Orleans. That he was appointed a commissioner of elections by the Board of Registrars, at the election held in the State of Louisiana April 17 and 18, 1868, for poll 1, precinct 9, Fourth Ward, Second District; that the commissioners acting with him were Charles Haupt and T. H. Hughes; that in politics he is a Democrat, and thinks his colleagues belonged to that party; that he lived in the State when it seceded from the Union, but was opposed to secession; that he never served in the Confederate army or held any position under the Confederate government; that he was in the city during the war, and was not liable to military duty, having but one arm; that he declines stating whether he did or did not favor the reconstruction of this State under the reconstruction acts of Congress at the time of the election above referred to; that at this poll, witness caused the men to approach the polls in two ranks, one colored and one white, and received the votes alternately from each. This mode was adopted to facilitate the voting, as there was room enough for two persons to come up at once. Witness showed no partiality to either party in taking the votes. There were more colored people than white about the polls during the days of election. That the division of the voters, as above stated, was in accordance with both written and verbal orders from the Board of Registrars.

That parties who had lost their registration papers and presented affidavits were allowed to vote, if the affidavits were found to be correct. In some instances, persons presented affidavits with names entirely different from those they gave as theirs when questioned. In others, affidavits were presented by parties who, by close examination, were found to have already voted and to have their papers

about their persons. In still other cases of colored men, their papers would state that they lived at such and such places, when, upon examination, it was ascertained that they did not live at such place, nor even in the ward stated. Such persons were not allowed to vote, and in some cases were referred to the Board of Registrars.

When the commissioners were satisfied that the party presenting a ballot was a legally qualified voter, and had not already voted, they allowed him to vote. About twenty-five or thirty registration certificates and five or six affidavits on which votes were refused, were taken away from colored men and retained by the commissioners. This action was based upon witness' own judgment and instructions from the Board of Registrars. Said instructions were written and verbal; the latter were given to witness by each member of said board, viz: Mr. Jenkins, chairman, and Messrs. Haile and Davis, and the former was signed by Mr. Haile.

About twenty-five or thirty persons were arrested and locked up for attempting to vote fraudulently, or for disturbing the peace. Witness thinks some of these were released the same day.

All arrests made were justifiable in the judgment of witness and in accordance with the law and instructions under which he was acting. The voting closed Friday evening at seven o'clock. The box was at once sealed in presence of all the commissioners and their signatures written on the paper which was placed over the hole, and conveyed by Charles Haupt, one of the commissioners, accompanied by a deputy sheriff, to the central station in pursuance of orders from head quarters, and a receipt taken for same. Saturday morning, the eighteenth, the same commissioners received the box and brought it to the polling place, and the seals were then examined by all the commissioners and found to be in the same condition as on the night previous. The seals were then taken off in presence of all the commissioners. The voting closed at seven P. M. that day, and that witness immediately, in presence of the two men appointed by the Radical party to witness the count, placed a paper over the hole. Said witnesses expressed themselves entirely satisfied with the proceedings.

The counting of the ballots commenced at once, and was continued without intermission until about two o'clock, A. M., Monday, when the count was completed. The two supervisors of the Republican party were present during the entire time thus occupied, and

expressed themselves perfectly satisfied with the count, and with the treatment they received. As soon as the count was finished, the ballots, poll books and tally lists were placed in the box, and the box sealed in presence of the commissioners and witnesses, and carried by deponent accompanied by two deputy sheriffs and one police officer to the central station, and placed in a cell and the cell locked, witness kept the key of this cell and took a receipt for the box.

This was done by written orders from military headquarters. On Tuesday, in accordance with instructions, witness brought the box from the said station to the office of the Board of Registrars for the fourth ward, and delivered it to them in the same condition and with the same seals as were placed on it by the commissioners. Complaint was made to General Buchanan (witness thinks by Mr. Ingram), that two of the commissioners at the above named poll were acting wrong, but stating the witness was doing his duty in an impartial manner. Captain DeRussey, a staff officer of the General commanding, came down in pursuance of instructions to investigate the charges; he examined the papers and stated that the reasons assigned for the arrest of the parties were sufficient, and instructed the commissioners to continue this course when they had sufficient cause so to do. Captain DeRussey gave the commissioners no particular instructions with regard to taking away registration certificates, but he knew they had done so, because he examined the papers, and sustained their action.

Witness further states that Jerry A. Hall presented himself to vote; J. A. Dorvin a deputy sheriff said to witness, "that man has already voted," and upon being sworn by the commissioners made oath that he had been an eye witness to that fact.

C. F. Haupt states on oath that he was a commissioner of election at poll one, precinct nine, Fourth Ward, corner of Basin and Conti streets. On the seventeenth of April, 1868, there was no disturbance. On the eighteenth, some little disturbance accompanied the arrest of Mr. Cavanac. Soon after this Mr. William Baker presented himself to vote; his name not appearing on the books, he was refused, and was told by the commissioners to go to the registration office and have his papers fixed, so that he could vote in that ward. He refused to go, saying that it was not his business, and demanding the names of the commissioners, said that he would prefer charges against them and have them arrested and locked up in the Parish

Prison. He also made a complaint to Captain DeRussey, of General Buchanan's staff, and said Captain DeRussey asked deponent the reason why they would not allow said Baker to vote. They informed him that Baker's name did not appear on the rolls of that ward, adding that his vote would be received if he would have his papers fixed by the Registrars.

That Eugene Staes came to the poll and demanded the registration papers that had been taken away from voters; when they were handed to him he wanted to know why they were taken away; deponent told him that the charges were written across the registration papers in red ink. Mr. Staes continued talking very loud, and said that he would settle with deponent after the election, which remark occasioned quite a stir about the poll.

Mr. William Baker was ordered to be arrested by Captain DeRussey, who was present at the poll, and sent to the Parish Prison.

On the first day of the election the voters were allowed to vote as they came up, but on the eighteenth the deputy sheriffs received orders, from some source unknown to deponent, to form the voters in two ranks, thus allowing one white and one colored voter to vote at the same time.

The commissioners allowed all voters, from other parishes, who had resided in the city ten days or more previous to the election, to vote for all officers, State, parish and municipal, whenever their names appeared on the registry list of said parish; those whose names did not so appear, were not allowed to vote, but were referred to the Board of Registrars.

During the election, there were allowed in the room, the parties who lived in the house; two deputy sheriffs, United States officers of General Buchanan's staff, and, by orders of Captain DeRussey, General Sypher and Mr. Campbell were also admitted for a few minutes.

On the seventeenth of April, after closing the polls, the ballot box was duly sealed, and taken by deponent to the Second District police station, and delivered to the man who had charge of the books at that station, who gave a receipt for the same. Mr. Cavanaugh, the chairman retaining possession of the key.

On the morning of the eighteenth deponent returned for the box, and conveyed it to the said poll, where it was opened by Mr. Cavanaugh. Deponent was accompanied each time on his way with the box by a deputy sheriff and two police officers.

Question. State how many registration papers were taken by you from voters.

Answer. Not less than thirty nor more than thirty-two. They were taken away by the commissioners in compliance with orders from General Buchanan, received by them through Mr. Haile, a member of the Board of Registrars. Captain DeRussey gave orders that where there were men who insisted on voting the second time to take away their registration papers and send them to prison, and to indorse the reasons for so doing in red ink across the face of the certificate. The papers taken away by the commissioners were turned over to the Board of Registrars; E. O. Haile has them.

Question. On the first day of the election what was the proportion of colored and white voters who come to vote.

Answer. Do not know the proportion.

Question. State the names of any deputy sheriffs that you may remember at that poll.

Answer. George Wilson, Charles Pallace, Jack Obetau, Jack Lawless and William Buckley.

Question. At the closing of the polls on the first day what was the relative number of white and colored votes on the record.

Answer. The whites were ahead between thirteen and fifteen.

Question. At the end of the second day what was the proportion for that day.

Answer. I do not remember, but the colored votes were ahead. The record book was turned over to the Board of Registrars, we had two blank books for entering names as parties would vote, a poll book with the names of registered voters for this poll, tally lists, printed lists from some country parishes; do not remember which ones.

Question. State whether your board did not refuse at first to receive votes on affidavit in cases where registration papers were lost.

Answer. Yes.

Question. State the circumstances of the refusal of Mr. Campbell to vote upon his affidavit of loss of papers.

Answer. The orders from the Board of Registrars, were, not to receive any votes from those whose names did not appear on the registry book, but refer them to the Board of Registrars for that ward.

Question. Were you aware of the order of General Buchanan in relation to receiving votes upon affidavits?

Answer. I had never seen the order. Did not receive a copy of it, and did not know there was such an order issued only by hearsay from outside parties. Mr. Campbell was not allowed to vote upon his affidavit when he first presented it. The order above referred to was written and signed, either by Mr. Haile or Mr. Jenkins. I can not remember which.

Question. State positively whether that order directed you to refuse to receive votes presented on affidavit of loss of registration papers.

Answer. I suppose it did allude to them as well as to any one else, or we construed it in that light.

Question. Did the order include that class of cases *expressly* in so many words?

Answer. That order did not, but an order after that did.

Question. What reason had you for construing the order so as to include these cases of affidavits?

Answer. No affidavits were rejected whose names appeared on the fourth ward poll book for that poll, but by orders from the Board of Registrars all affidavits were rejected whose names were not on the registry book for that poll.

Edward Hasking, sergeant of police, states on oath that many colored men were brought to the Second District police station during the seventeenth and eighteenth days of April, 1868, charged with illegal voting. Notwithstanding the orders of the late Chief of Police forbidding police officers from interfering with the election, three court officers of the Second District Recorder's Court made themselves quite prominent electioneering for the Democratic party, and when ordered to desist by Lieut. Bradley, they declined to obey, and continued so to do during the whole course of the election, protected by Recorder Gastinel, who was then running on the Democratic ticket. The officers referred to were A. Prados, Duffey and Taney.

P. Z. Canoge, special police officer, states, on oath, that the commissioners at the poll on Robinson had three colored men arrested and sent to the lock up and kept their registration papers.

At the poll on Basin street (Pelican No. 4) they were sending men to jail by squads of three or four at a time. Witness proceeded to

the poll corner of St. Peter and Claiborne streets for the purpose of depositing his own ballot, Mr. Pardos, a commissioner told him that was not the place for him to vote, but to go to number ten's house, which he did, and there found Mr. Sambola with the commissioners challenging colored voters, and was on the point of challenging witness' vote. Witness asked Mr. Fleche, a commissioner, if Mr. Sambola was a judge or a commissioner of elections. He said "no." Witness then ordered Messrs. Sambola and Thomas out of the engine house, threatening to lock them up if they did not obey. Mr. Sambola said if he was elected he would "fix him," and that "at night he would show the niggers who would have the best of the election." At Pelican No. 4, on Basin street, Mr. Sambola said "he could have a band of Sicilians there in five minutes to clean out the niggers," and that "he would have the best of the election at night," and that "they did not arrest the damned niggers fast enough."

Peter Williams states, on oath, that at the poll corner of Conti and Basin streets, on the eighteenth day of April, 1868, the commissioners of election, Messrs. Haupt, Cavanac and Hughs, refused to receive the vote of witness, and unlawfully and fraudulently retained his affidavit of loss of registration papers. Witness desired to vote the Republican ticket.

Gustave Balthazer, Samuel Hamilton, Charles Hamilton, John Anderson, August P. Cazer, Samuel Richardson and William Brent, state on oath that the commissioners of election at the poll corner of Conti and Basin streets, at the election of April 17 and 18, 1868, refused to receive their votes and had them locked up in the parish prison and retained their certificates of registration.

They were discharged during the next week by recorder Gastinel, with about (40) forty others, who asked them "if they were willing to go home now and let the case drop and say nothing to any one."

The same commissioners refused to allow Jacob Moley to vote who applied on the seventeenth of April 1868, about six P. M., saying it was too late, but did allow other men to vote—this man wished to vote the republican ticket.

They also refused to allow Reuben Kyer to vote on the next day.

Auguste Lapoude states, on oath, that on Friday, April 17, 1868, he went to the poll in Exchange Alley, and presented his ballot to the commissioners of election, at the same time handing them his certificate of registration. While he was waiting their decision as

to whether they would receive his vote or not, some five or six white men were allowed to vote. Presently one of the commissioners ordered a policeman to take him away, and the commissioners looked at each other and laughed. Witness demanded his certificate of registration. The police officer told him to hush or he would lock him up; that this was the order of the man inside. The commissioners then ordered him to come again, and asked him if he could bring a man who lived in the same yard with him. He called up a colored man, who told the commissioners that he did live in the same yard with him. The commissioners said they did not want a black man as witness, and refused to take his evidence, saying: "If you can't bring a white man to prove where you live, you can't vote." The policeman then said to him: "You needn't look after your paper; let it sweat. We've done gained." Witness persisted in his demand for the return of his certificate, and the policeman thereupon threatened to lock him up, "if he bothered that man again and did not go away." Witness, in fear of being arrested, did go away from the poll, and did not vote at that election. Said commissioners retained his certificate, refused to receive his vote unlawfully and with intent to defraud him of his vote, and deter and terrify others of his color and political sentiments from voting. The ticket he desired to vote was the Republican ticket, and the said police officer was in collusion with the commissioners to deter and frighten witness and others from voting as they desired. Witness is a qualified voter.

John A. Miller states on oath that he is a resident of New Orleans, that he applied on the third day of April 1868 at the registration office corner of Rampart and Canal streets to be registered as a voter. E. J. Jenkins was chairman of the board and was present. Witness was sworn and qualified, and the registrars then gave him a paper purporting to be a certificate of registration, and said registrars did so represent to him, telling him "to take good care of it." Witness is unable to read and believed the representations of said registrars. On the eighteenth of April 1868, witness went to the poll corner of Conti and Basin streets to vote, and was then informed for the first time said certificate was incomplete in this that it lacked the signature of the registering officer; he immediately applied to said Jenkins at his office to have the omission rectified; said Jenkins took the certificate and wrote upon it an endorsement in red ink

and returned it to witness saying that "if he troubled him any more about it he would have him arrested." Witness believes that said omission on the part of said registrar to sign his certificate was willful and with the intent to deceive and to defraud him of his vote; that by said deception he was deprived of his vote at said election, and that if he had voted, he would have voted the republican ticket. On the third day of April 1868, witness lived at 59 Tremé street, New Orleans.

Samuel Phillips states, on oath, that he was a registered voter in the city of New Orleans in April, 1868, and that on the eighteenth day of that month and year he presented his ballot to the commissioners of election, Messrs. Cavanac, Hughes' and Haupt, at the poll corner of Conti and Basin streets, and with it his certificate of registration. Said commissioners refused to receive his ballot and fraudulently retained his certificate and caused him to be arrested and conveyed to the parish prison and there to be confined in a cell with criminals and felons where he remained until the twenty-first day of April, 1868, when he was brought before A. Gastinel, Recorder of Second District, who said to him: "old man you can go if you are satisfied with voting twice." Witness answered, "I have not voted at all yet, sir," and showed him the ticket which he had taken to the polls to vote. The Recorder said that such was the charge against him, and that he could go if he was satisfied, and then discharged him.

On his way to prison witness asked the police officer what this meant, and he replied, "never mind; come along—this is to show you d—d niggers how to vote." This unlawful and oppressive arrest and imprisonment by said commissioners was malicious and willful and with the intent to defraud witness of his vote, and to terrify and deter others of his color and political sentiments from voting, and that in consequence thereof he did not vote at that election, and that he would have voted the Republican ticket.

Ben. Williams states, on oath, that he was a registered voter in the fourth ward, city of New Orleans, in April, 1868, and on the seventeenth day of that month and year, he presented his ballot to the commissioners of election, Messrs. Cavanac, Hughes and Haupt, together with his certificate of registration. Said commissioners refused to receive his vote, retained his certificate, without assigning any cause therefor, and ordered a policeman to arrest him and

place him in confinement. The policeman took him to the parish prison, where he remained till the Saturday following, when he, with others similarly confined, was brought before Recorder A. Gastinel, who remanded him back to prison, where he remained till the Monday following, when he and twenty others were handcuffed, and taken before said Gastinel, who again remanded them to prison. On Tuesday following, witness and twenty-three others were again brought before said Gastinel, who informed them that there were no charges against them, and asked them if they were willing to go home and say no more about it to any one, and then discharged them.

In consequence of said false imprisonment, witness did not vote at said election; had he done so, he would have voted the Republican ticket.

William Dunbar states, on oath, that he was a registered voter in New Orleans, in April, 1868; that he was not allowed to vote, and was caused to be arrested and imprisoned by Messrs. Cavanac, Hughes and Haupt, in a similar manner to those hereinbefore described.

Milton Johnson states, on oath, that he was a registered voter in the city of New Orleans, in April, 1868; that he was deprived of his registration papers, and not allowed to vote by Messrs. Cavanac, Hughes and Haupt, in a similar manner to those hereinbefore described.

François Trepani states on oath, that at poll 2, preeinct 13, Fourth Ward, during the election of April 17 and 18, 1868, the commissioners of election did unlawfully and fraudulently receive and deposit in the ballot box the ballots of seven white men whom they did not require to produce any certificate of registration, and they did not exhibit or produce said certificates. Said seven men voted the democratic ticket.

Louis Bohn, acting sergeant of police at Tremé station on the seventeenth and eighteenth days of April, 1869, states on oath, that the following is a correct statement of the number of men arrested in the Second District on those days, as taken from the records of the station:

Charged with attempting to vote twice or with voting fraudulently.....	16
Charged with perjury.....	20
Charged with creating disturbance at the polls.....	8
	<hr/>
	44

Of this number thirty were ordered to be arrested by commissioners Cavanaugh, Haupt and Hugues.

Henry Young states, on oath, that he was a registered voter in the city of New Orleans in April, 1868. That on Friday, April 17, 1868, at poll two, precinct nine, the commissioners of election refused to receive his ballot, and took away and kept his registration certificate, and sent him to jail, where he was confined till Tuesday, April 21, 1868.

William H. Hire, a resident and qualified voter in the city of New Orleans, states, on oath, that on the eighteenth day of April, 1868, at the poll at the engine house of Pelican, No. 4, the commissioners of election took from colored voters their certificates of registration, and retained the same. In one case a man had two witnesses with him to prove his identity, and the commissioners committed him to prison.

The commissioners of election at the poll corner of Conti and Basin streets, in addition to those already mentioned, refused the ballots of seven Republican voters, who were entitled to vote at said poll, and retained their registration papers, and had them arrested and sent to the Parish Prison, where they remained from two to four days, and were then brought before Recorder Gastinel and discharged.

The commissioners of election at the poll corner of Conti and Basin streets, in addition to those before mentioned, refused the ballots of five (5) Republican voters, who were entitled to vote at said poll, and retained their registration papers.

Robert Bradley states on oath that he is an aid to the Chief of Police of the city of New Orleans; that on the seventeenth day of April, 1868, he was acting as lieutenant of the Second District police; that at different times during the day he was present at poll one, precinct nine, fourth ward, known as Pelican Four Engine House; that at those times there were large crowds of colored voters waiting an opportunity to vote, and very few white men. The number of colored voters averaged from fifty to one hundred, and that of the white voters from ten to twenty, more or less. Witness requested one of the commissioners to furnish him with a list of that day's balloting, which was furnished, and is hereto annexed as a part hereof.

Charles F. Haupt, commissioner at said poll, reports to Lieutenant Bradley the following number of votes polled on the seventeenth day of April, 1868, at that poll: Number of white votes polled, 143; number of colored votes polled, 132.

George Jones, a duly registered voter of the fourth ward, states on oath, that on the eighteenth day of April 1868, at poll 1, precinct 9, Fourth Ward, he found a large number of persons present, and could not easily get to the poll to vote, so he told the commissioners he was going to vote the Democratic ticket, when he was at once admitted, but as they saw he held the republican ticket, he was told to go back among the "nigger voters" but at last was admitted, and noticed a man coming from the back door with a handfull of tickets which he deposited next to the ballot box; this man then voted. When the commissioner received witness' ballot he had another ballot in his hand, with a rooster on it and dropped witness' ballot and put the other ballot in the box, and then told witness that this should be the last d—d ballot which any nigger should be allowed to put in the box, thus trying to make witness believe that he had put his ballot in the box.

R. C. Howard, a duly registered voter of the Fourth Ward, states on oath, that on the seventeenth day of April, at poll 1, precinct 9, he saw men pass into the poll room and vote from inside. He believes from seventy to seventy-five colored men were illegally prevented from voting on that day and at that poll.

George Nelson and Edward Thompson state on oath, that they were prevented from voting on the ground that their certificates of registration were not correct.

Alfred Nelson states on oath, that he was prevented from voting on the ground that his certificate of registration was not correct; and was told by the judge of election that if he did not go away from the polls he would be imprisoned.

Moses Dobson states on oath, that he was prevented from voting on the ground that his certificate of registration was not correct. His certificate was retained by the judge, and he was driven from the polls and threatened with imprisonment. This was at poll 2, precinct 9, Fourth Ward.

The above refers to the election of April, 1868.

Charles Dowden states on oath, that during the election of April, 1868, he presented himself at poll 1, precinct 9, Fourth Ward, to

vote. His ticket was deposited in the ballot box, and the judge, after so depositing it, took a ticket out of his own pocket and deposited it also in the box.

Witness asked him his reasons for so doing, and he replied that it was none of his business.

Hale Kinney states on oath, that at the election of April 17 and 18, 1868, he was prevented from voting on the grounds that his certificate of registration was not correct. He was imprisoned and his certificate retained. Witness gave bail in the sum of two hundred dollars, which it cost him nine dollars to do.

### PARISH OF ORLEANS—FIFTH WARD.

Alfred Rougelot, candidate for Clerk of the Fourth District Court on the regular Republican ticket, states on oath that on Friday, April 17, 1868, at the poll at engine house No. 21, Fifth Ward, the commissioner of election refused the ballots of several colored men, whose papers were correct. Mr. Bonneval, the commissioner, substituted other tickets for those handed him by the colored voters. This was done in the style of one thoroughly conversant with the art of trickery.

Wm. J. Brewer, a supervisor of election, states on oath that at the seventeenth precinct, Fifth Ward, on the seventeenth and eighteenth days of April, 1868, several men who came to vote and presented their certificates of registration were refused by the commissioners. Some for being too young, and others because their registration papers had been stolen; witness saw registration papers taken away and not returned. Several times the commissioners attempted to avoid receiving votes by pretending that the names of the voters were not on the list; but witness, standing by, would look over the list and show them the names, and thus foil them in this attempt. On the first day the majority of the votes cast were Republican, but when the ballots were counted the most of the tickets on the bottom of the box were Democratic, showing that the box must have been stuffed previous to its being opened.

Mr. Sambola, candidate for the State Senate, was several times allowed by the commissioners to stand behind the bar and challenge voters. He would remain about ten minutes at a time, and was there during the two days of election about three times each day.

The commissioners were Mr. Levy, Mr. Fleche and one other, (name not given.)

John Smith states, on oath, that the commissioners of election at Poll 2, Precinet 12, Fifth Ward, on the seventeenth or eighteenth days of April, 1868, tore the registration papers of two legally qualified voters and refused to receive their votes.

Vincent Gallas states, on oath, that on the eighteenth day of April, 1868, at the poll corner of Galvez street and Bayou Road, he saw commissioner Louis Prados take Republican tickets out of the ballot box and put others in their stead. The way he did was as follows: He would put the tickets in the box leaving the end sticking out, and, placing a book nearly over the hole, would draw them out under cover of said book.

Joseph August, a resident and registered voter in the city of New Orleans, states on oath that on Friday, April 17, 1868, a colored man went to the poll on Dumaine street, between Rampart and St. Claude, and presented his ballot to the commissioners of election, who refused to receive it. Mr. Fleche, one of said commissioners, challenged his vote. The man then demanded the return of his certificate of registration, but said commissioner (Fleche) refused to return it, and ordered him away; but soon returning, again demanded it, when said Fleche said to him, "You damned black nigger, go away from here, or I will make you go away," and threatened to have him arrested. On Monday following, this man met Commissioner Fleche on the street, and again demanded the return of his certificate, whereupon Fleche drew his cane, and afterward his revolver and threatened to kill him. In consequence of this conduct on the part of Fleche, this man did not vote at said election, and this was done not only to defraud him of his vote, but to discourage and deter others of his color from voting. Said Commissioner Fleche remarked to this man, "We don't return any niggers their papers, nohow." This man would have voted the regular Republican ticket.

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#### PARISH OF ORLEANS—SIXTH WARD.

NEW ORLEANS, April 25, 1868.

To the Chairman and Members of the Board of Registration :

The undersigned regularly appointed by your honorable board to supervise the late election in the sixth ward of the city, beg leave to submit the following report :

The authority vested in as by your honorable body, and the powers which we have by virtue of our office delegated to the deputies which we saw fit to appoint, having been utterly disregarded, admittance in the polls, refused the examination of the poll books, forbidden by the chairman of the board of registrars of the second district and by the commissioners appointed by him. Your supervisors feel unable to expose and establish at present the numerous and gross frauds that have been perpetrated in the sixth ward at said election. The facts hereinafter stated, have occurred and been reported to the undersigned, but there being certainly some foundation in the innumerable reports that are daily made to us. We would postpone our final report until we have completed a thorough investigation of all the facts already commenced under our auspices.

We would however report the following:

J. R. Jourdain, one of the supervisors, affirms, and he is able to prove that Mr. Fremaux, who lives near the corner of Ursulines and Tonti streets, did vote, said Fremaux having held the offices of Assistant Alderman and of Deputy Sheriff, and having afterward served in the Confederate States army as captain, is thought to be disfranchised.

Joseph Felix Jaillot, deputy supervisor at poll No. 2, thirteenth precinct, affirms that at said poll, the registration papers of one Antoine Larrazine, colored, causelessly taken from him by the commissioners; he, Joseph Felix, upon asking said commissioners for what reason they had taken the papers of said Larrazin, and his vote, was ordered away, and upon his remonstrating that he being regularly appointed deputy supervisor he had a right to interfere; he was threatened with imprisonment by the commissioners of election.

J. P. Lewis, late captain in the United States army, saw at poll No. 2, fourteenth precinct, a deputy sheriff, whose name shall be ascertained, take out tickets from the box with small tongs.

Davis Rucker, No. 282 Hospital street, saw at the same poll Commissioner Prados draw out, in several instances, certain tickets from the ballot box, and substitute other tickets in their stead.

Also, at the same poll, Jean Durant saw a deputy sheriff, whose name will be ascertained, taking tickets out of the box. He (Jean Durant) says he saw said deputy sheriff put tickets of some voters, "colored," in the ballot box, being careful to leave out a little piece just enough to catch hold of; then put a book on top of the aper-

ture, and when he thought he was not seen, slip his fingers under the book, take out the ticket and throw it behind him.

A respectable citizen of the ward, Mr. Brou Mathe, can testify to the latter fact. Independent of these frauds, which have, in our opinion, been practiced upon a very large scale, the commissioners sought to embarrass or intimidate the voters who were thought to be Republicans, annoying them with frivolous and unnecessary questions.

Many who can testify to that fact were asked, among other things:

When were you registered? What month, what day? If these answers were satisfactorily given, they would ask whether they were married or single, or something equally frivolous, and upon stating their residence, as appearing on the registration paper, they would ask the colored man offering to vote, whether he lived in the frame house of Mr. Somebody, or in the brick building of Mr. Somebody else, and how many rooms he occupied there, etc., and upon a failure of the voter to make a ready answer to these questions his papers were kept, his vote refused, and if he remonstrated was sent to prison.

At Poll No. 1, fourteenth preeinet, in the presenee of policeman, No. 273, James Taylor, colored, was arrested, and sent to jail under a charge of perjury made by Commissioner Neville, because he could not state exactly on what day he had drawn an affidavit of Judge Giffen, dated the fifteenth inst.

Republican ehallengers were at every poll threatened with imprisonment, while Demoerats were even permitted to make answers for some voters who claimed to have lived fifteen years in the preeinet, and who could neither speak nor understand French or English.

Edward Tinehant, Republicân, was threatened with imprisonment at Poll No. 1, fourteenth preeinet, by Commissioner Neville, because he handed over the registration papers of a colored voter of some country parish, whom he knew had lived four months in the preeinet, and whose vote had been refused, while the next moment a registration paper of some Demoeatic voter was received without any objection or remark by said Neville from the hands of Fremaux (Demoeerat )

At every poll in said sixth ward the white voters were placed on one side, and the colored on the other, and any policeman on duty at said polls can testify to the fact that at least three of the former to one of the latter were permitted to vote.

The commissioners of election handled the tickets, and did not allow colored voters to put them in the box themselves.

As far as we have been able to ascertain, the following are the names of the commissioners at the several polls in the sixth ward. Some of them are thought to be unable to qualify:

At precinct thirteen, poll No. 1, L. Curien, John Roux and ——— Delahousaye.

At precinct thirteen, poll No. 2, Andry, Victor Leclerc and Boismard.

At precinct fourteen, poll No. 1, Bercier, Tholozau, Lagarique and Neville.

At precinct fourteen, poll No. 2, L. Prados, Lefeore and Castanede.

We would also respectfully call the attention of your honorable board to the numerous affidavits filed in your office by citizens and voters of the sixth ward, and especially upon one of the police officers, Hennessey, who found in a desk at poll No. 1, thirteenth precinct, some twelve or more folded Republican tickets marked on the back, some "Warmoth," and some "colored."

It seems, however, that the frauds perpetrated in our ward during the two days of election, stupendous though they were, were not sufficient to elect certain parties, as in the counting of the votes it was deemed necessary to complete by false accounts that which the stuffing of the boxes and the votes fraudulently received and wrongfully rejected had failed to accomplish. At poll No. 1, thirteenth precinct, the deputy supervisor, John Schultz, and Edward Tinchant, were admitted only one hour after the poll had been closed. Edward Tinchart kept tally rolls, which were found all throughout the counting to correspond with those kept by the commissioners; and still, in the case of E. Staes, whose official returns from said poll have been seen by said Edward Trinchart at headquarters, fifth military district, said E. Staes is there credited with one hundred and seventy votes only, while on the original tally rolls of that poll he had one hundred and ninety-five votes. The official returns of said poll having so far been withheld, we cannot point out other defects or alterations that may exist.

At poll No. 2, same precinct, the supervisors were refused admittance, and when at last Mr. Rougelot (Republican) was admitted into the room, the ballot box was open, and tickets were scattered on the table.

At Poll No. 1, fourteenth precinct, Mr. Alfred Young and Captain Alcide Lewis were not allowed to look at the tickets while the names of the candidates were called out. Captain Lewis further affirmed that the colored vote entered in the poll book did not correspond with the colored counted in the returns, and also that two tickets of the Workingmen party, which he saw when the tickets were first taken out of the box, were nowhere to be found or seen after the vote had been counted.

The undersigned respectfully submit the foregoing to your consideration, and they pray that in order to clearly and undeniably establish that the Republican party has been, in our opinion, defrauded in the sixth ward of at least four hundred votes, further time be granted to them, and that they be vested with some authority to pursue an investigation that will enable your honorable board to ascertain exactly to what extent the frauds have been carried on in this ward by the commissioners of election—all Democrats according to their own statement.

(Signed)

WILLIAM GEORGE,  
Chairman Board of Supervisors, Sixth Ward.

ALFRED L. YOUNG,  
J. B. JORDAIN.

Samuel McCarty, a policeman in the city of New Orleans, states on oath, that during the days of election, the seventeenth and eighteenth of April, 1868, he was on duty at poll 2, 13th precinct, sixth ward. About seven or eight persons were permitted to vote without producing any registration papers, among whom were Mr. Lipscomb, Mr. Morel, Mr. Payeau, Paul C. Laresche, and Louis Mestier.

The commissioner refused to receive the ballots of about ten or twelve colored men who presented themselves. Upon examination, their certificates were found correct and they were at their proper polls, but as they could not distinctly pronounce their names in correct English (they being French), they were ordered away, and their papers retained by the commissioners.

On the eighteenth, when the polls were closed, witness was ordered away from the poll room by the commissioners of election, though he had positive orders to remain there.

Admittance was also refused to members of the Republican party, though it was finally reluctantly granted.

Eugene de Lagarique states on oath, that on the seventeenth

and eighteenth days of April, 1868, he was a commissioner of elections at poll 1, precinct 14, sixth ward. Eight or ten colored persons were not allowed to vote and were imprisoned, as their certificates were supposed to be fraudulent. The certificates were retained by the board of commissioners.

Mr. Neville was present when the ballots were counted. The counting of the ballots commenced at 11, P. M. The representatives of the Republican party were admitted as soon as the polls were closed and before the ballot box was opened. Witness does not remember how many colored votes were cast at this poll, but thinks there was a majority of thirty-eight in favor of the Democratic candidates.

Capt. Scott, together with Mr. Neville, took the box away after the count was completed.

There were many more votes east by colored men at this poll than by white during this election. All the tickets cast by colored voters were endorsed "colored."

Alfred Rougelot states, on oath, that admittance was refused the supervisors of the Republican party at Poll No. 2, thirteenth precinct, sixth ward, on the evening of April 18, 1868, until after eight o'clock, and then, when admitted, they found the ballot box opened and the tickets assorted on the table. Francis Boisman seemed to be acting as chairman of the board of commissioners. The deputy sheriff was intoxicated and remained so until the next day. Mr. Dellile, one of the commissioners, slept during the whole night. Every now and then the commissioners would drink freely, and used every effort to induce witness to drink with them, but he would not.

Wholly disgusted with this mode of proceeding witness left the poll on Sunday the nineteenth, before the count was completed, notifying the commissioners that he should protest against the unfairness shown by them to the representative of the Republican party.

Edward Tinchant states, on oath, that on Friday, April 17, 1868, at poll one, precinct fourteen, sixth ward, a colored man, whose vote had been refused, came and told witness, who examined the case, and finding that injustice had been done, spoke to one of the commissioners about it, and convinced him that the man was entitled to vote; but he was not at this time allowed to do so. At this moment Mr. Neville, chairman of the board of commissioners, came

up and ordered witness away, threatening to have him arrested, and said he would not allow any man to present the papers of a third party. Witness remained near the polls, and shortly afterward Mr. Freemaux (a man well known for his rebel proclivities), handed to said Neville the papers of a white man he had brought up to vote, and they were received without hesitation or remark.

General Sypher came to the polls soon after, and after an investigation, the colored man above referred to was permitted to vote.

L. J. P. Capla states on oath, that a man by the name of Emanuel Barrier, having lost his certificate of registration, obtained a duplicate from the registrars and presented it to the commissioners of election on the eighteenth day of April, 1868, at the poll on Ursulines street, but they refused to receive his vote, and ordered him away, retaining his certificate and thereby preventing him from voting the Republican ticket.

Witness saw one of the commissioners take the Republican tickets given by voters, and pretend to write on them behind the ballot box, but cannot certify that they were the same tickets handed by the voters to the commissioners to be put in the ballot box. Some of the Democratic tickets were put in the box by the voters and some by the commissioners.

Davis Rocher states, on oath, that on the seventeenth day of April, 1869, at Poll 2, Precinct 14, a citizen voted the Republican ticket. Mr. Prados, commissioner of election at that poll, pretended to drop said ticket into the ballot box, but in reality substituted another ticket in its stead and placed it in the box. Jean Durant was also a witness to this act.

John Durant, a resident of New Orleans, states, on oath, that on the eighteenth day of April, 1868, at one poll in the sixth ward, whenever a Republican voted his ticket would be put half way into the ballot box and a bible placed over it. When the commissioners saw no one looking at them they would take the ticket that they had put half way into the ballot box out and drop it on the floor. Witness was present at the above mentioned poll during the election of April, 1868.

Capt. William George states on oath, that on the seventeenth and eighteenth days of April, 1868, he was supervisor of election, and that registration was not fairly conducted in the sixth ward. White men who presented themselves were immediately sworn and

received their registration papers, without question, while colored men were very closely examined, and confusing questions were propounded to them.

On the seventeenth day of April, 1868, at poll 2, precinct 14, two colored men were not allowed to vote, and their certificates of registration were retained by the commissioners.

Witness went to the commissioners and demanded an explanation, whereupon they at once returned the certificates and received the votes.

Samuel Jones states on oath, that on the seventeenth day of April, 1868, four registered voters went to poll 1, precinct 14, sixth ward, to vote, but were refused by the commissioner, who told them that was not the place for them to vote. They went to all the polls of that ward and met with similar refusal. They then went to the registrar's office, who, after examining their papers, pronounced them correct, and directed them to poll 1, precinct 14. They returned to that poll, but were again refused by commissioner Neville, who threatened them with imprisonment if they dared come back.

Ten (10) men presented themselves to vote at the poll on Greatmen street, ninth ward, on the eighteenth day of April, 1868. These men were registered in some country parish and had certificates of residence, but the commissioners of election refused to receive their votes. An order was then procured from some officer of the staff of Gen. Buchanan to the effect that the commissioners of election should receive the votes of the aforementioned ten men. They then returned to the poll, but were again refused, and were all driven away and scattered by a mob, acting evidently under suggestions of the said commissioners.

J. F. Juillot states, on oath, that he was supervisor of election at poll two, precinct two, sixth ward, on the seventeenth and eighteenth days of April, 1868, and that the commissioners of election would put the ballots of colored men who voted the Republican ticket under the ballot box, instead of in it, and tell the voter it was all right. One of the supervisors for the Republican party remonstrated with the commissioners for this, and was ordered away from the poll by the judge of election, who would not recognize his right to be there, though he presented his commission from the Board of Registrars. When the polls closed on the night of the eighteenth, the commissioners refused to allow said supervisors to be present in his official capacity to witness the counting of the ballots, but ordered him away and closed the door against him. But peeping through

the keyhole, he saw that they had already counted a portion of the votes. About fifteen minutes afterward the door was opened and he was invited to come in, but he declined, thinking if any wrong had been contemplated, as he suspected, it had probably been accomplished; but informed them that he should protest against this box being received, as frauds had been perpetrated. At this some person unknown to him called out: "You d—d son of a b—h, this election is lost to you."

David Hennessy, a police officer, states, on oath, that on the evening of April 17, 1868, at poll one, on St. Philip street, after the polls were closed, there was found on the floor, under the table where the ballot box was sitting, twenty-four Republican ballots, marked "white" and "colored," and on the eve of the eighteenth were found two hundred and sixty-one more Republican ballots on the floor, making a total of two hundred and eighty-five ballots that had evidently been cast, and should have been counted. Witness took particular notice how this was done. The voters would hand the tickets to the commissioners, who would drop them on the floor and substitute Democratic tickets in their stead. The commissioners at that poll were all Democrats, and belong to a club called the Innocents.

Philip Montane, states on oath, that on the seventeenth and eighteenth days of April, 1868, at poll two, precinct fourteen, three or four persons presented themselves to vote, who were entitled to vote at this poll, but commissioner Louis Prados would not allow them to do so; one of them named Stevens was arrested and sent to jail and his papers returned by the commissioners. Upon Mr. Prados being asked his reasons for so doing he replied (to the person asking) "if you do not shut your jaw you will follow him."

Mr. Sambola, candidate for the State Senate, told the commissioners that he would see all the niggers swept from the polls.

Commissioner Louis Prados during the two days of election was plainly seen from time to time at intervals when no one was voting stuffing the ballot box with Democratic tickets; he put in at least one hundred and fifty, and probably two hundred.

O. J. Rigand states on oath, that on Sunday, April 19, at poll one, precinct fourteen, after the ballots had been counted, two commissioners of election had before them the roll containing the names of the Democratic candidates, and the tallies or pencil marks indicating the number of votes they had received, and said commissioners were adding to these marks or tallies other marks as rapidly as they could, without any tickets on the table before them or in the ballot

box, nor did they make any pretence of adding these tallies from ballots counted. The number added was from one to two hundred marks to each candidate, as near as witness could estimate. Upon witness asking them what they were doing, one of them replied that it was the instructions of Captain Scott. Witness said, "I will immediately report you to the military authorities." The chairman said, "What are you doing here?" Witness replied, "It is the right of every citizen to watch the counting of the vote." He answered, "I will arrest you." Witness: "You cannot. I came here to watch you." A person then took witness by the arm and said, "I will show you that the tickets are on the table," but he failed to do so. One of the commissioners then said, "Oh! my friend, the tickets were counted this morning, but we have kept it in our heads. The names of these two commissioners are William Neville and Mr. Tholozan.

Certain parties wanted a commissioner of elections at poll two, precinct thirteen, to allow them to put Democratic ballots in the ballot box, but he refused.

John Williams states on oath that on the eighteenth day of April, 1868, at the poll at corner of Bayou Road and Galvez street, a colored man came to vote. Commissioner Prados asked him confusing questions, and finally refused to allow him to vote, and had him arrested, charging him with being drunk, and retained his registration papers. At the same poll, about three or four o'clock P. M., witness saw the said Commissioner Prados stuffing the ballot box by placing his left arm on the box, and with the right hand putting bundles of tickets, closely packed together, into the box. This was repeated by him three or four times, and amounted to about one one hundred, and were for the Democratic candidates.

Victor Gerodias states on oath, that he is a citizen of New Orleans, and that at the poll corner of Claiborne street and Bayou Road, when the commissioners were counting the ballots, several of them marked "colored" were lying under the table, Commissioner Neville dropped his handkerchief on a pile of some fifty or sixty ballots, marked "colored," and picking them up, put them in his pocket, and left the room. Witness said to one of the supervisors acting in behalf of the Republican party, "That man is putting ballots in his pocket." Whereupon said commissioner turned to a police officer, and said "Arrest that man," meaning witness. Witness is positive that the tickets so gathered and pocketed by that commissioner were regular Republican tickets.

On Monday or Tuesday, April 20 or 21, 1868, Louis Curien, commissioner of election at poll one, precinct thirteen, showed witness what he represented to be a copy of the tally list of the ballots cast at said poll, as the commissioners had counted them, according to said copy. E. Lemarie had received two hundred and seventy votes for State Tax Collector, and V. Gerodias had received two hundred and three, giving Lemarie a majority of sixty-seven votes. On the twenty-second (next day) said Curien told witness that he had copies from the tally lists of poll two, same precinct, showing for E. Lemarie two hundred and forty-eight votes, and for V. Gerodias one hundred and sixty-two, giving to Lemarie a majority of eighty-six votes. Fifteen or twenty days after the election, witness had a conversation with one of the commissioners who acted at Poll 1, Precinct 13, and he confirmed what all those who had seen the original returns of that poll before they were transmitted to the Registrars, freely conceded, viz: that the Republican candidates had a clear majority of thirty-eight votes over their opponents; there must have been a discrepancy in the return promulgated by the General commanding, as said return did not correspond with an original tally roll shown to witness by the said Curien two or three days after the election.

At Poll No. 2, thirteenth precinct, sixth ward, on St. Philip street, witness saw the commissioners of election at that poll refuse the votes of two or three colored men whose papers were correct and who were entitled to vote. Witness knows these papers were correct for he examined them. In another instance, upon the refusal of the commissioners to receive the vote of a colored man, witness urged that his vote be received, his papers being correct, but the commissioners claimed that he did not state his residence right. Witness knew the man, and it was only after he had threatened to report the said commissioners that they finally concluded to take his vote. They kept his papers and sent a deputy sheriff, Mr. Urtigue, with him, and found that his residence was correctly stated, and they returned to him his papers.

Mr. Philip Montane, Mr. Lefevre and others told witness that Louis Prados, commissioner of election at poll No. 2, fourteenth precinct, sixth ward, corner Bayou road and Galvez streets, stuffed the ballot box at that poll.

J. P. Lewis states on oath, that at poll No. 2, precinct No. 14, ou

Friday April, 17, 1868, a deputy sheriff apparently by the leave of the commissioners of election was taking republican tickets out of the ballot box.

Eugene Stacs states on oath, that one of the commissioners of election at poll No. 1, precinct 14, stated on Sunday evening, April 19, 1868, that the republican majority at that poll was thirty-eight. This statement was confirmed by the report of the supervisors of election.

John Dennis states on oath, that during the election of the seventeenth and and eighteenth of April 1868, three men presented themselves with their certificates of registration at poll No. 2, precinct 14, to vote, but were refused by the commissioners and driven away; ten minutes afterward three Germans were introduced inside the poll room and allowed to vote.

A. D. Young states on oath that he was a member of the committee appointed by the Republican party—by permission of the general commanding to witness the counting of votes, and, that at poll one, precinct fourteen, the counting of the ballots was nearly completed on Sunday, April 19, 1868, about ten o'clock P. M.; there were lying on the table twenty-eight Republican tickets and ten Democratic, and scratched tickets yet uncounted.

One of the commissioners said that as the tally lists, two in number, did not agree, he would propose that they should make them agree by dropping the tallies on one or the other. This proposition, however, was not agreed to.

At said poll the total vote cast was six hundred and thirty-two or three, as reported by the commissioners of election. Of this number the tally list showed three hundred and fifty straight Republican tickets. The whole Republican vote at that poll according to the lists was about three hundred and seventy-eight, being about one hundred majority.

William Neville states on oath that he was appointed a commissioner of election on the seventeenth and eighteenth days of April, 1868, at poll one, precinct fourteen, sixth ward, by the registrars of that ward.

Question. Do you recognize this gentleman (Mr. Tinchard)?

Answer. I do, sir.

Question. State whether you remember having threatened him with imprisonment on the day of election?

Answer. I remember ordering him from the polls. I threatened to have him arrested if he did not leave the poll. I did the same thing with others, I do not know how many others; I should judge two or three. The reason for my threatening this man was for making angry demonstrations, and disturbing the poll.

Question. Now state what the angry demonstrations were?

Answer. I do not remember the circumstances, there being two or three of the same kind.

Question. State what the disturbance or disturbing the peace of the poll was?

Answer. Well, blocking up the passage to the box, and refusing to leave when ordered.

Question. How was he blocking up the passage to the box?

Answer. By continually occupying the space in front of the entrance to the poll.

Question. How long had he occupied the space in front of the entrance at that particular time?

Answer. I do not remember exactly how long, but certainly half an hour.

Question. State what he was asking from the commissioners of election?

Answer. I do not know, as he was there for any particular purpose. I do not know for what purpose he was there.

Question. Did he make no statement of what his purpose was?

Answer. I do not remember of his making any statement of what he was there for.

Question. Do you mean to say that he stood there for half an hour without saying anything, merely for the purpose of obstructing the way to the poll?

Answer. No, he said a great deal.

Question. State if Mr. Tinchard was not at that time conversing with one of the commissioners of election in regard to a vote which had been refused?

Answer. I do not remember of his conversing with a commissioner. Yes, he was talking with a commissioner of election.

Question. Was he talking with reference to a vote which had been refused?

Answer. He might have been, I can't say.

Question. State whether you did not soon after receive from a

Mr. Fremaux the registration papers of a third party without making any observations?

Answer. To the best of my knowledge, I believe I did not.

John P. Martin, states on oath, that on Sunday April 19, 1868, at poll one, precinct fourteen, one of the commissioners of election named William Neville took from the ballot box a handfull of ballots which were marked "colored" and prepared to put them in his pocket, but perceiving that persons were watching him he threw them on the table and mixed them with other papers; he acted in an anxious and embarrassed manner, and threw some of said tickets under the table and over the floor.

John G. Seldon, states on oath, that on Sunday, April 19, 1868, at poll two, precinct fourteen, Mr. Prados one of the commissioners of election at said poll exhibited twenty-five or thirty certificates of registration on which he said that he had written the word "voted;" said certificates belonged to persons who had offered to vote at said precinct on the days of election, but the ballots of said persons were not deposited in the ballot box.

August Lefevre, commissioner of election at poll No. 2, precinct No. 14, sixth ward, states on oath, that Mr. Prados commissioner of election at said poll did on the seventeenth day of April, 1868, in the presence of Captain Clement Laurent and witness, illegally and fraudulently stuffed the ballot box at said poll, against the will and consent of said Captain Laurent and witness; that said Prados did also on the eighteenth day of April, 1868, stuff the ballot box at said poll several times and that when said Captain Laurent and witness protested against said fraudulent stuffing, and declared their intention to report the same, said Prados answered that he would take the responsibility upon himself in case of emergency, provided his (Prados') brother was elected Alderman of the second district of New Orleans; that while Captain Laurent and witness were protesting against this stuffing of the ballot box, Prados said that he had saved our lives against the scorn and threats of the chief engineer of engine house No. 3, (at said poll) who took us for Black Republseans and would have driven us from the polls. Captain Laurent and witness finding the position so precarious submitted.

At seven o'clock P. M., on Saturday, as the commissioners closed the polls, commissioner Prados' brother with two other Democrats came inside the poll room and claimed the right to take the tally

list; witness objected to him or any stranger coming in to interfere with the commissioners in the discharge of their duty, but commissioner Prados insisted on his brother taking charge of the tally list, and the two democrats before referred to proceeded to count the ballots and continued counting till about ten or eleven o'clock that night, when commissioner Prados called upon witness to take charge of the box.

At three o'clock A. M., Sunday, the nineteenth, witness called on Captain Scott, Registrar for the sixth ward, to take his place for a few moments, which he did, and called the tickets in presence of two members of the Republican party, who remained until half past three or four o'clock Sunday morning, when they returned. At six o'clock Sunday morning, as witness entered the poll room, he saw commissioner Prados take a handful of Democratic tickets, well folded, and having "colored" written on the back with lead pencil, and then and there substituted them for Republican ballots. At seven o'clock, A. M., same day, Captain Scott took possession of the ballot box in the presence of the representatives of the Republican party and proceeded to count the ballots, and while doing so three or four different parties (strangers) took possession of the tally list and tampered with it as they pleased. On seeing such gross injustice witness withdrew.

According to the registration books and witness' estimate of votes cast he believes the Republican candidates had a majority of about one hundred and fifty at said poll.

Witness has been threatened by different parties that in case he testified in the contested election cases they would have him "in a bad fix."

*Cross-Examination by H. J. Campbell.*

You swore to certain facts before the Committee on Election; afterwards you made affidavits that you were induced so to do by certain parties for promises of reward, and that said facts were false. State now all that occurred in reference to this subject since the election.

Answer. On the eighteenth day of April, 1868, the present year, the last day of election, as I was coming from my poll, sixth ward, second district, fourteenth precinct, poll No. 2, I was accosted by

different candidates, Republican and Democratie, inquiring from me what was the return of my poll. I told *both parties* that they had the majority, in order to get rid of them. From thence I proceeded home, until the proclamation of General Buehannan, announcing the returns of said election, I met one candidate, Mr. Eugene Staes, in Exchange Alley, between Canal and Customhouse streets. He stopped me, and inquired from me if there was any fraud at my poll. I told him that I would not meddle with the affair; that I was a poor man and a business man, and would have nothing to do with politics. He pressed me so hard with promises that I told him *yes*, there was fraud; then I left him. I met him very often after that, until the proclamation convening the Legislature. Mr. Staes came to my house at half past nine o'clock at night, in company with Messrs. Rigaud and Chevallier, and called me down and asked me if I wanted to testify, and give in writing what I had told him regarding fraud. I told him the same as above stated, that I would not meddle with it. He told me that the Democratie party was dead, and that it was useless to depend upon them. I told him if I should do so it would create for me so many enemies that I could not earn a living again in this city, or probably I might receive some personal injury. He told me that the Republican party would protect me in every respect, and that I would have a situation and work; and that he knew I was a poor man and a man of family. He then told me he wanted me to give that testimony, in order to get two more Republican senators into the Senate, and by that I should have a situation in the Legislature. I did not know who were the contestants; did not know that there were any seats contested in the Senate until I testified in the case.

A. Lefevre, being duly sworn, deposes and says, when Eugene Staes, Mr. Rigaud and Mr. Chevalier came to his house, and spoke to him in regard to the contested election pending before the Senate, he was in the habit of drinking very freely, and his mind has been so imperiled by frequent difficulties, that he has said a great deal of nonsense, and his conduct has been very mischievous, not only in this matter but also in his own individual affairs; witness was constantly under the influence of liquor about this time.

## PARISH OF ORLEANS—NINTH WARD.

C. Miller, a policeman, states on oath, that he was ordered on duty at poll No. 2, precinct twenty-one, New Orleans, on Friday, the seventeenth day of April, 1868; that he saw Channey Bunce, chairman of the board of commissioners of said poll, on that day, and said Bunce was so intoxicated as to be unfit to perform his duty correctly; that said Bunce spoke very roughly to colored men offering to vote, and refused a great many who had their registration papers; that said Bunce closed the poll on Friday evening, the seventeenth of April, 1868, at about ten minutes to seven o'clock, and that when deponent passed the next poll on the corner of Congress and Levee streets, the poll was open and the people were still voting.

John Baptiste states on oath that he is a resident and duly qualified elector of the parish of Orleans, Louisiana; that he presented his certificate of registration, and tendered his vote at poll No. 2, precinct twenty-one, of said parish; was refused by the commissioners of election at said poll; that by said refusal he was illegally deprived of his right to vote.

Thomas Briggs, colored, states on oath, that he is a resident of the parish of Orleans, and a duly qualified elector of the same; that on Saturday, April 18, 1868, he offered to vote at poll No. 2, precinct twenty-one; that the commissioners of election of said poll refused to allow him to do so, thereby depriving him of his lawful privilege.

Antoine Roman states on oath, that he was a resident of St. Bernard parish; was duly qualified as an elector; that he offered to vote at polls No. 1 and 2 of the twenty-first precinct, in the city of New Orleans, having resided in said precinct two (2) months previous to the election, and was refused, thus depriving him of his legal right to vote.

Fermin Metoyer, colored, states on oath, that he is a resident of New Orleans, Louisiana, and a duly registered voter at poll number two, precinct number twenty-one, tendered his certificate of registry and offered to vote; his certificate was taken from him by Mr. W. Bunce, commissioner of election, and his vote refused.

William Cooper states on oath, that he is a registered voter and resident of the city of New Orleans; that he offered his vote at the same time, showing his certificate of registry at polls one and two, precinct twenty-one, and was rejected by the said commissioners.

George Wallace being duly sworn, says that he is a resident of the city of New Orleans and a duly registered elector; that he presented

his certificate of registry and tendered his vote to the commissioners of election at poll No. 2, precinct No. 21, and was rejected without assigning any reason, afterwards he presented a letter from Captain De Russey of General Buchanan's staff, and was again refused to vote.

Paul Clark, being duly sworn says, that he is a resident of the city of New Orleans and a duly registered voter of said city, and that he presented his certificate of registry and tendered his vote to the commissioners at poll two, precinct twenty-one of said city when said commissioners rejected his vote and detained his certificate of registry.

Henry Jackson, being duly sworn, says that he is a registered voter of the parish of Orleans, ninth ward, and a resident of said ward; that he presented his certificate of registration and tendered his vote to the commissioners of election at his voting poll in the ninth ward and his certificate taken from him and his vote rejected, and he was arrested and imprisoned.

Simon Ross, being duly sworn, says that he is a resident of the city of New Orleans and duly registered elector therein; that he presented his certificate of registry and tendered his vote on Friday, April 17, 1868, at poll number two, precinct number twenty-one and was refused his right to vote at said election.

William Thompson being duly sworn, says that he is a resident of the city of New Orleans and a duly registered voter of the same; that he presented his certificate of registry and tendered his vote at poll two, precinct number twenty-one and was rejected.

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#### LIST OF NAMES OF PERSONS NOT ALLOWED TO VOTE, ETC.

##### *Statement of Joseph Klein and Others.*

Mr. Jeremiah Butler, residing at No. 203 New Levee street, went to precinct twenty-one, poll —, corner of Congress and Levee streets, and was not allowed to vote.

Nicholas Nivas, residing on Moreau street, between Lesseps and France streets, presented himself at poll No. 2, precinct twenty-one, where they refused to allow him to exercise his privilege of voting, the commissioner falsely stating that his surname (Nivas) was not on the registry paper.

Charles Dolbert resides on Goodchildren street, between Piety and Louisa streets. At poll No. 1, precinct No. 20, engine house No. 24,

on Greatmen street, had his registration paper taken from him by Commissioner Dolbear, and was sent to prison on Saturday, and remained there until the following Wednesday.

Benjamin Simmonds lives at Mađam John's, about one mile below the station, near the Barracks. Has resided there two months. Went to poll two, precinct twenty-one, where his vote was refused, on the ground that he was registered in the First District.

John Monroe resides on Levee street, No. 288, between Lesseps and Poland streets. He presented himself at poll No. 2, corner of Independence and Levee streets, where they refused to allow him to vote, and the commissioners took from him his certificate of registration.

Michael Byrns, colored, had his papers taken away from him by Commissioner Dobert, at poll No. 2, twentieth precinct, for the reason that he was colored, and could have no such a name as Byrns.

Thomas Behler and — Robin, both commissioners at the above poll, are witnesses.

Michael Burns, residing at No. 807 Goodehildren street, between Piety and Desire streets, went to poll No. 1, precinct twenty, engine house on Greatmen street, where his registration paper was taken from him, and he was sent to prison on Friday, where he remained until the following Wednesday. He was arrested by order of Commissioner Dolbert.

Mr. Bunce, commissioner of election, at poll corner of Independence and Levee streets, refused a number of times to allow Republicans to vote. A young man by the name of Cenas Stanley presented his registration paper to him, which was refused on the plea that he was under age. Even after having procured an affidavit to the effect that he was of full age, he was refused, and ordered from the poll. Mr. Bunce also kept the registration papers of two men, and refused to return them, saying he would do so in the morning (Saturday.) While Democrats would be admitted to the polls, Republicans were refused. When from the Gentilly Road they could not vote under any circumstances, notwithstanding their registration papers were of that precinct and poll. Witness was ordered from the polls by Mr. Bunce, but declined to go.

Henry Jackson was arrested at poll No. 1, precinct No. 11, engine house No. 24, for not knowing the name of the street.

Randall Jones has resided at No. 223 Lesseps street for five months;

was registered in St. Bernard. His vote was refused with certificate of registration and affidavit.

George Ruffin has resided corner of Lesseps and Front Levee streets for the last three months, was registered in the parish of Orleans (right bank), his vote was refused on presentation of his registration paper and an affidavit at poll corner of Congress and Levee streets.

Honore Andrews has resided at No. 223 Lesseps street, parish of Orleans for the last three months; was registered in St. Mary parish; at the poll on the corner of Independence and Levee streets he presented himself to vote with his certificate of registration and an affidavit, but was not allowed to do so.

George Wallace was refused his right of voting at the corner of Independence and Levee streets; had his registration paper and affidavit with him. The Board of Registrars when appealed to refused to order the commissioners to receive his vote; resided on Gentilly road in the parish of Orleans.

John Jenkins was refused his right to vote at poll corner of Independence and Levee streets, because he was registered in the parish of Orleans (right bank).

James Butler was refused his right to vote at poll No. 1, preeinet No. 21, ninth ward, because his affidavit was made before a notary public.

NEW ORLEANS, LA., April 21, 1868.

S. B. Packard, Esq., Chairman Board of Registration:

SIR—In obedience to instructions, I hereby transmit my report relative to the manner in which the election has been conducted in the ninth ward, of which I am the supervisor, to-wit:

*First*—In every instance where colored voters were registered as living on Gentilly road, although in the parish of Orleans, they were refused to cast their ballots of which there are a great number.

*Second*—Colored voters were refused to cast their ballots in the preeinet because they had moved to another preeinet.

*Third*—Republican ballots offered by colored voters were changed into Democratic ballots previous to placing them into poll box.

*Fourth*—Parties who were known to vote the Democratic ticket were allowed to vote without producing either their registration cer-

tificate or affidavit, nor did the commissioners refer to the poll books in such instances.

*Fifth*—Many colored voters were refused the privilege of voting, and their registration certificates taken from them for no satisfactory cause whatever, and others were confused by putting frivolous questions to them in order to prevent them from voting.

All of which can be substantiated.

Respectfully submitted,

(Signed)

JOSEPH KLEIN,

Supervisor Ninth Ward, Parish of Orleans.

B. H. Lynch, supervisor of election in the ninth ward, appointed by the board of registration, reports as follows :

The commissioners of election appointed for the ninth ward by the democratic party used every means in their power to defeat the republican party by frauds and unfair means. J. J. Gugenbut, chairman of the board of commissioners at poll No. 1, precinct 21, did, while attending to the duties of commissioner of election, have in one hand a quantity of democratic tickets which he substituted for republican tickets every opportunity.

#### PARISH OF ORLEANS—TENTH WARD.

James H. Riley states, on oath, that he voted at Poll No. 2, Precinct No. 22, tenth ward, Second Congressional District, the straight Radical Republican ticket. He made no erasure on his ticket; he did not stay long enough to get much information, but he found strong prejudices against the negroes and the Republican ticket at the poll; witness was doing duty as an officer; knows that that there was some five hundred and six (506) colored men lost their registration certificates and produced affidavits that they resided in that district long enough to entitle them to a vote, but the commissioners rejected their votes, setting forth that their affidavits were fraudulent; witness saw them take up their Republican tickets and offer to vote them; they were the straight Republican tickets, on which the name of Simon Jones was a candidate for Congress.

During the election at that poll, he found persons with bunches of bogus Republican tickets, which they tried to substitute for the

genuine tickets to the colored voters. Witness states that he interfered and tried to prevent this as much as he could at that poll. Several parties tried to prevent him from interfering with them. He saw no violence, but he saw them trying to intimidate the colored voters and those who were advocating the success of the Republican ticket. The principal commissioner of election at that poll was Col. Von Zinken, and the majority of them were Democratic. Col. Von Zinken was a colonel in the Confederate army. He appeared to be the leading commissioner at that poll. The commissioners were nearly three days counting the votes; and during that time, many of the persons that were there as witnesses to the counting, fell asleep, and were greatly under the influence of liquor. Witness says that if he had been one of the commissioners, he would have had ample opportunity to commit fraud; did not see any himself. On the first day, the colored voters were in the majority; but on the second day, the white voters were in the majority.

Wm. H. Bunough states on oath, that he resides in the Fourth District, city of New Orleans, and in the Second Congressional District; that he voted at the poll corner of Apollo and Fourth streets; was clerk of the Board of Registrars in the tenth ward, Second Congressional District in 1867, was chief clerk for the Board of Registrars appointed under orders of General Sheridan; John L. Davis was chairman of the said Board of Registrars, there were some four thousand (4000) voters registered, and some one hundred and seventy (170) or one hundred and eighty (180) persons rejected who had applied for registration, as being ineligible or disqualified under the reconstruction acts of Congress.

He was also clerk of registration office in the tenth ward appointed under General Hancock's orders, from the commencement of the registration until the close; during that time there were thirty-three (33) of the aforesaid rejected and disqualified voters accepted and registered. The reasons for the disqualifications in 1867 were as follows; viz: Sixteen (16) of the said number were foreigners, who had been in the Confederate army and who had received their naturalization papers since the close of the war. Four (4) were foreigners who had claimed protection during the rebellion as such, and who were since naturalized in the district court prior to last election. Thirteen (13) of them had held office and afterwards engaged in the rebellion.

There were also nine (9) who were foreigners, and claimed to be citizens of the United States by making affidavits to the same in another court, and upon the representation that their fathers had been naturalized citizens of the United States, they being minors at the time of said naturalization ; was clerk at the office of Board of Registrars at the time of the counting of ballots of poll No. 2, precinct No. twenty-two, tenth ward. There were ninety-four (94) straight colored Republican tickets, four (4) straight white Republican tickets, and fifty-six (56) split white Republican tickets; one hundred and thirty-nine (139) split white Democratic tickets, and three hundred and nine (309) straight white Democratic tickets, making a total vote of six hundred and two (602.) The box was opened by the chairman of said Board of Registrars, who assisted witness in counting the ballots ; while doing so they received official orders from General Buchanan to cease counting the ballots ; this was one or two o'clock in the evening, on the succeeding Monday following the election. The boxes were then sealed by the witness and registrars, and were sent to Dr. Green's house, who was one of the said registrars, where they remained some fifteen (15) days, until orders were received to deliver the same to the sheriff's office.

Witness says there were some fifteen or twenty (15 or 20) colored men refused registration, who, in his opinion, were entitled to register and vote. The refusals were upon various grounds, viz: Such as the registrars judged to be under age, and those whose statements they doubted as to their place of residence.

Witness says there were some eight or ten (8 or 10) colored men stricken from the rolls or register book after they had been registered, giving as a reason for so doing that, upon inquiry by a police officer, they were not found at their residence as stated. Witness says that if the police officer had made the said inquiry in citizens' dress, he would have found more of them; but being in uniform, it intimidates them. Witness believes that the officer's name who made these inquiries is St. Clair. Witness is a Radical, and believes St. Clair is one also.

Witness says that he cannot state the reason why those men who were refused registration in 1867 were allowed to vote or register in 1868. Witness asked the chairman his reasons for registering these disqualified men; he replied that "he would not refuse to register any *white* man, and then register a negro." He does not know the

political sentiments of these registered men, but believes them to be Demoerats; he has a personal acquaintance with some, but knows the names of all of them. They are as follows, viz:

Charles F. Clere,	John Reynolds,
John Connoly,	John Sheil,
John B. Housner,	Charles Steidinger,
Andrew Mangold,	John Walsh,
Augustus Meyer,	John H. Ellenbush,
John Muller,	Pineus Goldstein,
James M. Glennan,	Max. Hambacker,
William Miller,	John Montgomery,
John Nesborough,	William Woelper,
John Ryal,	John A. Watkins,
A. Gannett,	Harry T. Hays,
D. A. Harris,	Pat. D. Collins,
M. M. Dowler,	Francis Laner,
P. A. Skipwith,	B. W. Casson,
C. C. Delaeroix,	G. W. Dirmeyer,

W. A. Douty.

Witness states that he is of opinion that the Board of Registrars in this Ward were Demoerats. One of them was an ex-officer of the United States army.

William B. Gray states, on oath, that he resides at No. 947 Tehoupitoulas street, city of New Orleans; that he voted at Poll No. 1, Precinet No. 22, Tenth Ward, Second Congressional District. He voted the straight Republican ticket; he was at the polls several times during the election; says that the commissioners asked a number of useless questions, and sent men to vote at other polls when they were entitled to vote at this poll; these were colored men; this was of frequent occurrence in the Fourth District, as witness was traveling from poll to poll during the election. Colored men from the country parishes who presented certificates of registration in their respective parishes were ready and willing to make oath that they had resided in the city ten (10) days prior to the election, and were refused the right to vote; some were refused who had produced affidavits to the commissioners that they had so resided, etc. Witness states that he was at Poll 3, Precinet No. 22, corner of Dryades and Philip streets, and examined the tally sheets, and found that there was an error of one hundred (100) or more votes in

respect to Gray and Bacon, that is, between one sheet and the other; he could not tell whether it run through the whole, but is of the opinion that it did; if so, it would give Colonel Mann one hundred (100) votes more than he was entitled to; it had the appearance that there was such a discrepancy; the appearance of the two tally sheets indicated that there was that difference through the whole list of Republican candidates; this was brought to witness' notice by the fact that the number of votes were nearly equal between the Republican and Democratic votes, as the sheets were; these numbers had not been added at the registration of Tenth Ward. Witness acted as supervisor by appointment of Mr. Packard, and was at the registration office during a greater part of two days; while he was there several colored men applied for registration that were unlawfully refused, in his opinion; some were refused for the reason, as the registrars expressed it, that the applicants were not of age, and they were unwilling to receive the affidavit of the applicant or his friends to the effect that he was of age; they were asked a great number of useless questions regarding their intentions, of which ticket they would vote, and were put off with the plea that the registrars did not believe that they resided at the place they mentioned, but took the names of the applicants, saying they would send some one to see if they did live there, telling them to call again next week, when, if every thing was all right, they would register them; I give this as an instance of many means that were used to prevent the colored men from registering; one of these men witness took to Judge Giffin where he made affidavit, and upon its presentation he was refused the right to register; this affidavit was in regard to his age. It is witness' opinion that if these colored men had been allowed to register, they would all have voted the Republican ticket on which was Simon Jones for Congress.

Witness thinks that if a fair and impartial vote had been had in the Fourth District—that is, the Eleventh Ward would have given small Democratic majority, enough to counterbalance a majority for the Republicans in the Tenth Ward. Thinks the majority in the fourth district would be democratic about one hundred (100) majority. Witness thinks that if a fair and impartial registration had been had in the first district of this city, it would show a republican majority of two thousand (2000) voters.

Wm. Douglas states on oath that he has been a resident of the

city of New Orleans about twenty-two (22) years; lives in the third district, is a registered voter; held the position of sergeant of police in the Fourth District, and was on duty during the election of the seventeenth and eighteenth of April 1868; he was detailed for duty and placed at engine house No. 22, tenth ward, Second Congressional District; was there both days of the election, and occasionally visited different polls in the tenth ward. At twenty-two's engine house, tenth ward, saw colored men present themselves at that poll to vote, and were sent to the poll corner of Philip and Dryades streets. The commissioner at that poll, by the name of Costley, is the one who directed them, and stated that they had no right to vote. In the two days there could not have been less than twenty-five or thirty (25 or 30) of these men, and probably more; witness looked at their papers, and found they were entitled to vote at this poll; the commissioner, Costley, examined the papers with the witness; twenty-five (25) of those who were turned away showed witness their tickets, and they were straight Republican tickets, on which was the name of Simon Jones for Congress; the tickets were not scratched; witness saw persons take the tickets out of the hands of freedmen, making them believe they had the Democratic ticket; he knows of instances where the spurious Republican tickets were circulated with the Democratic candidates thereon; this counterfeit or bogus ticket had at the head "Republican" and "against the constitution." It had a likeness on it the same as the Republican ticket; the likeness was of A. Lincoln; the ticket had the Democratic candidates on from Taliaferro down; these tickets were in the hands of those parties who were working and acting in the Democratic party; these tickets were circulated principally among the colored men; several were deceived and voted this bogus ticket. Witness thinks from twelve to twenty (12 to 20) were deceived, and voted these bogus tickets; he was shown the same kind of bogus tickets at other polls in that ward; he thinks there was unnecessary delay in keeping colored men from voting; improper questions were asked the colored men, as witness considered, in regard to the right of voting, producing, as witness thinks, unnecessary delay. There was no delay in regard to the white voters—where they voted the Democratic ticket, it was received promptly.

There were persons that he took to be working in the interest of the Democratic party, trying to deceive the colored voters, per-

suading them that they had the wrong ticket. Would know some of these colored men who were obstructed or hindered from the right of voting. The colored men who came to that poll behaved properly and tried to vote peaceably, and left after doing so.

Witness only saw two commissioners at 22's engine house. One of them was Costly; the other was Banky. Banky acted as clerk and the other received the votes and put them in the ballot box. It was about five or six feet from where the voters stood. Was at this poll both days of election. When the polls closed, the commissioners and deputy sheriff took charge of the poll box and brought it to the police station. It was sealed at the polling place.

Witness believes that the Republicans, colored and white, at this poll were in the majority. He forms his opinion from what came under his notice during both days of election; and had the election been a fair one, there would have been a Republican majority. He saw no one of the Republican party interfere with the voting of the Democratic ticket. Witness states that he voted for the adoption of the Constitution and the Republican ticket, and did nothing on the days of the election that was inconsistent with his duty as an officer.

William Weber states on oath that he was at the poll, corner of Philip and Dryades streets, and while there a party in the interest of the Democratic party remarked to him, "Hang the damned nigger." He also heard others say to the colored men, that if they voted the Radical ticket they would discharge them. Witness was a candidate for Recorder in the Fourth District. From the knowledge witness has of the different political parties in the Fourth District, he believes the Radical Republican party would have been successful if the election had been fairly conducted. There were four voting places in the tenth ward; witness was at all the voting places during the two days of election; knows of no intimidation, except at the poll, corner of Philip and Dryades streets, where he was assaulted with violence by forty or fifty (40 or 50) men, who were in the interest of the Democratic party, and only escaped from them by jumping into his carriage. The names of two of the party are Thomas Woelper and a Mr. Phelps, who shouted, "Kill the nigger." Witness did not see arms; did not see any colored men driven from the polls. The above attack was on the second day of the election. Witness saw a great many bogus or counterfeit Republican tickets in circulation; they were in the hands of the Dem-

ocratic party. Witness has resided in the tenth ward of this city since 1847; does not know of persons being rejected as voters; witness was one of those placed inside at voting poll No. 2, precinct No. 22, during the counting of the votes, by arrangement of the two different parties, for the purpose of seeing that it was fairly conducted; witness had often served as a commissioner at previous elections, but never saw commissioners conduct themselves in the manner they did; witness says they took the tickets out of the box and placed them on their knees, in bunches of ten and twenty, Democratic and Republican, without reading off the names of the candidates on the tickets, but called them off as so many straight tickets. Witness says that in looking over one of the straight Democratic tickets he found his name thereon for Recorder, and called the attention of the commissioners to the fact, and thus had it corrected. This occurred on Sunday morning, after having been up all night. One Von Zinken, formerly a colonel in the Confederate army, came in during the morning, and called one of the commissioners, named Joseph Costley, to him, and had a short private consultation with him, after which Costley turned towards witness and told him to leave the house; then taking hold of witness' arm, told him he could not stay there, as Colonel Von Zinken said so.

Witness knew of nineteen voters who voted the Radical Republican tickets without scratching therefrom any name; these were all white men, and they voted at poll No. 2, precinct No. 22, tenth ward, Second Congressional District.

*Cross-Examination.*

Witness saw each one of the nineteen (19) men referred to cast their votes; knows them all personally; their names are Charles Parish, Timothy O'Brien, Henry Winks, N. L. Torry, M. Seither, Jr., M. Seither, Sr., Daniel Whalen, Patrick Walsh, John C. Stacker, E. J. Nelson, James Riley, William Weber, N. Whiting, D. Penero, George Schantz, D. Mackay, Patrick McKay, R. W. Stanley and Lawrence Morrisy. Witness had said or done nothing when Woelper took hold of him and called him a damned nigger; knows of no reason why he was attacked, except that he was a Radical Republican. Forty or fifty (40 or 50) were standing in line; there were four or five (4 or 5) negroes to one white man; the majority of them were Republicans,

and were in possession of the polls; knows of no colored man voting the Democratic ticket by reason of threats referred to; does not know of any orders from General Buchanan that candidates were not allowed inside; witness was sent there by one Parker of the Republican party.

Edward Nelson states on oath that he resides on the corner of Annunciation and Philip streets, city of New Orleans; has been on the police force about thirteen (13) months; is a registered voter at poll No. 2, precinct No. 22, tenth ward, Second Congressional District; voted the Republican ticket and saw it put in the box; saw a good deal of swindling at this poll; witness was an officer detailed at this poll by the lieutenant of the police in this district; his instructions were, not to interfere with the election; saw affidavits brought to the polls by the Democratic party which were signed by the different judges or justices of the peace; these affidavits were voted on. Witness knew that the parties who presented these affidavits were not entitled to vote, because sheriff Avery told him they were not to receive affidavits; witness saw one of these affidavits torn up after the vote had been received on it; at this poll witness saw negroes who were told by Democrats that if they voted the Republican ticket they would be hung next day; some four or five (4 or 5) went away but don't know whether they returned again or not; on the second day of the election witness saw the counterfeit Republican tickets there, and tickets from other districts in the hands of the Democratic party, who had general possession of the polls during the second day; witness says these tickets were placed in the hands of some twenty or thirty (20 or 30) colored men to vote, but cannot tell whether they voted them or not; saw some of the tickets from other wards in the box; saw some of the Democrats obstruct the negroes from voting by keeping them back from the polls, this occurred on the last day of the election; witness was at the polls nearly all the time during the election; the white men preponderated over that of the colored men; was at the polls at night while the votes were being counted, and saw some very strange proceedings; the commissioners would take about twenty (20) tickets from the box, then separate the Democratic from the Republican and throw the Republican ticket back into the box. The commissioners did not read the names of the candidates on these tickets, but called them so many straight tickets. During the night they

did not agree in their count; the difference was between two of the commissioners; two of them were Democrats and the third was a Republican.

Stephen Danenhauer states on oath, that he resides at No. 775½ Tchoupitoulas street, in the Fourth District of this city, and in the Tenth Ward, Second Congressional District; is twenty-four years of age; is a registered voter, and voted at the last election; voted the Republican ticket; was at poll No. 2, precinct No. 22. Witness saw while there one William Wibel take two colored men by the arm and make them vote the Democratic ticket.

William Hall, a canvasser, had, previous to this, presented to these colored men Republican tickets, telling them they were the tickets they wanted to vote. Wibel then took hold of them and told them not to listen to Hall, that he knew nothing about it; then pulling them up to the poll, made them vote the Democratic ticket.

Witness saw the Democrats cut off that portion of the Republican tickets that contained the vignette of Abraham Lincoln, and paste it on the Democratic tickets. Did not see any of them voted or circulated in the hands of the negroes. Witness saw no violence at that poll; saw no Democrats hinder or obstruct any of the voters from voting.

Witness was placed inside as a representative of the Republican party to watch the counting of the votes.

Witness corroborates the testimony of Mr. Weber and Mr. Nelson in reference to the counting of the ballots. Saw Mr. Weber turned out of the poll, as was stated by Weber.

Mr. Parker, of the Republican office, appointed witness to watch the polls. Witness had no bets on the election. Does not belong to the Loyal League.

## SUMMARY.

*Election of April 17 and 18, 1868.—Parish of Orleans.*

WARDS.	Republicans unjustly re- jected and intimidated.	Substitution of Democrat- ic for Republican ballots.	Illegal voting and stuf- fing.	Fraudulent tallies.	Republicans prevented from voting.	Republican tickets taken from ballot box and de- stroyed.	Republicans refused reg- istration.
First.....	420	32	.....	.....	.....	.....	2
Second.....	277	2	125	.....	.....	.....	.....
Third.....	414	2	.....	.....	.....	.....	.....
Fourth.....	41	1	11	.....	75	.....	.....
Fifth.....	6	0	.....	.....	.....	.....	.....
Sixth.....	43	286	208	295	.....	60	.....
Ninth.....	100	0	.....	.....	.....	.....	.....
Tenth.....	506	20	.....	.....	.....	.....	28
Total.....	1810	343	344	295	75	60	30

Grand total ..... 2957

## AGGREGATES.

First.....	454
Second.....	404
Third.....	416
Fourth.....	131
Fifth.....	6
Sixth.....	892
Ninth.....	100
Tenth.....	554
	<hr/> 2957

William Walsh, states on oath that he is chief deputy sheriff in the office of sheriff of civil courts. The ballot boxes were placed in charge of the late sheriff, Dr. Avery. Witness has no certain knowledge of any transfer from Sheriff Avery to his successor, Sheriff Maxwell. Witness was deputy sheriff under Sheriff Avery, at the time the boxes were received; he receipted for some of them; they were placed in a small room, immediately adjoining the office, in the same building with the civil courts. Does not know who had personal charge of the boxes since their receipt by the sheriff. M. d'Armas, a deputy, had possession of the key of that room; he had always had

it previous to the reception of the boxes, and thinks he has had it since.

These boxes were subsequently examined by order of court, in the contested case of Leaumont vs. Viavant. Since then no one has disturbed the boxes to witness' knowledge. Mr. Lucas, the present court house keeper, has general charge of the whole building. Witness saw no records or papers delivered to Sheriff Avery, except such as might have been in the boxes. He believes that the room is kept locked, and that M. d'Armas, deputy sheriff, has charge of the key.

Michel d'Armas, a deputy sheriff, states on oath that he has been a deputy sheriff for the last twenty-eight years, and still retains that position. The ballot boxes were received by Sheriff Avery, in compliance with an order from General Buchanan, in order to keep them in a safe place. Mr. d'Armas was called upon to keep them in a small room adjoining the office in which he kept old and valuable records of the office; he has always had charge of the key of this room; it has been kept in the Sheriff's safe. Witness objected to having the boxes stored there, as it was an inconvenience, and was not a very safe place, the rear window of said room being easy of access; the room, however, could not have been entered in the day time without its being noticed, or without great risk. When the boxes were deposited there witness delivered the key to Jules Sorapuru, a deputy sheriff, who was appointed by Dr. Avery to take charge of said boxes.

Mr. W. Walsh was chief deputy sheriff during the absence of Sheriff Maxwell.

Jules Sorapuru, deputy sheriff, states on oath, that he was a deputy sheriff, under Sheriff Avery. The ballot boxes were brought to the sheriff's office, some fifteen or twenty days subsequent to the election, and he heard they were afterward placed in a room for safe keeping. Witness has no doubt that these boxes were kept safely by Sheriff Avery, and that they were not interfered with by any unauthorized persons. Some of the boxes were broken when brought to the sheriff's office, and many of them were in bad order. An order was given by the Sixth District Court to give access to Messrs. Leaumont and Viavant to the ballot boxes, on account of their contested election. Witness had nothing to do with the recounting of the ballots, but saw the persons appointed counting them.

Gustave Tournade states on oath, that he is a deputy sheriff, and was acting in that capacity under Sheriff Avery. He had nothing to do with the election of April 17 and 18, 1868.

A suit was brought in the Sixth District Court by Judge Leav-  
mont, contesting the election of Judge Viavant to the judgeship of  
the Fifth District Court. The Court appointed two persons to re-  
count the ballots and report the result. Dr. Avery, then sheriff, ap-  
pointed witness to assist as deputy sheriff in this recount of the  
ballots, and gave to him the key of the room in which the ballot  
boxes were kept.

In the presence of both said persons, witness opened the room.  
One of them, after examining some of the boxes, and finding them in  
bad order, protested against the counting in behalf of Judge Via-  
vant, whom he represented. He did not present himself again dur-  
ing the counting of the ballots. Mr. DuBuisson, the other person  
appointed, counted until it was completed. Some of the boxes were  
sealed properly and in good order. Many were only partially sealed,  
and in many instances the seal upon the keyhole was perforated, ap-  
parently with a key. Some of the keys were attached to the boxes,  
but most of them were kept in a bunch as they were brought to  
the sheriff's office. These boxes were put in the room where they  
had been kept by the sheriff. The room is always locked and the  
key kept in the sheriff's safe.

Some of the boxes contained the poll books and the tally lists,  
and others contained only the tally lists and the ballots. Four of  
the boxes were entirely empty. All the boxes examined by the per-  
sons appointed to recount were used at the late election. None of  
the boxes contained the oaths of the commissioners of election.

After the recount was completed, Mr. Tournade returned all the  
boxes to the room above mentioned, locked the door, and returned  
the key to Mr. Hart, treasurer and deputy sheriff. He kept this  
key in the sheriff's safe.

Witness does not know who remitted the boxes to the sheriff.  
He believes they have been in charge of Sheriff Avery from the time  
of the promulgation of the *order* announcing the result of the elec-  
tion up to the time that they were turned over to his successor in  
office, Mr. Maxwell, who is now civil sheriff of the parish of Orleans.

Witness knows nothing further in relation to the boxes. After  
the recount was finished, witness locked the room, all the boxes  
being in it, and gave the key to Mr. Hart, treasurer under Sheriff  
Avery, who locked the key in the safe, as witness believes.

Witness received the key from the hands of Mr. Hart at the com-

mencement of the recount, and every day during the same; at the close of each day's count, he gave the key to Mr. Hart.

Edward S. Wurzbarger states on oath that at the time of the election of April 17 and 18, 1868, he was chief Deputy Sheriff under Sheriff Avery; is now Sheriff of the criminal court; is aware of the order of the commanding general of the Fifth Military District to turn over the ballot boxes to the sheriff, having seen said order, which also provided that the poll books be turned over to two of the registrars; deponent is not positive that it was the poll books exactly, but it was a portion of the records appertaining to the election.

Several days after the publication of said order, the ballot boxes were brought to the sheriff's office; deponent, immediately acquainted Sheriff Avery of the fact, declining to receive them himself, as he had been a candidate at said election. Deponent advised Sheriff Avery to designate two deputies specially to receive them and know their condition, so far as could be ascertained from their outside appearance, and safely keep them, allowing no one to have access to them.

From the time said boxes commenced to come in, several weeks elapsed before they were all received. He thinks the last to be received were from the seventh ward. The first lot were brought by Mr. Jenkins, one of the registrars of the fourth ward; deponent thinks they were brought before the order above referred to was promulgated; these were not receipted for until said order had been received. During the receipt of the boxes, one of the deputy sheriffs called deponent's attention to the fact that some of the said boxes were not in good order. Deponent referred him to Sheriff Avery, who who ordered all the boxes to be locked up in a room adjoining the office. Deponent knew nothing of said boxes afterward, from personal knowledge.

When the recount was ordered in the contested case of Leamont vs. Viavant, Mr. Tournade, a deputy sheriff, was appointed to superintend the recount in his official capacity. Mr. Tournade reported to deponent, in his official capacity, that four boxes, being those from the sixth ward, thirteenth and fourteenth precincts, contained neither ballots nor the evidence of returns; that other ballot boxes had perforated key holes and broken lids, and that very few, comparatively, contained either poll lists, vote lists or other documents usually returned to the sheriff after elections. Deponent has not seen the boxes since they were received by the sheriff.

Deputy sheriffs McNeil and Harrison receipted for the said boxes, pending the examination or recounting of votes; the key to the room in which said boxes were kept was in the sheriff's safe, and those appointed to recount the votes in said contested case of Leamont vs. Viavant called for and returned said key, to deponent's knowledge, on the first of July, 1868.

Sheriff Avery transferred all his records to his successor, Mr. Maxwell, including the ballot boxes, to the best of deponent's knowledge; he noticed on the next day, as he passed the court-house, a padlock on the door to said room, which had not been there the day previous. M. d'Armas is the deputy sheriff, who knows of the contents of said room; from the position of his desk in the office, and the long time that he is there daily at the office, M. d'Armas could best tell who went in and out of said room.

Deponent does not know where the said boxes are now, but has reason to believe they are there still; if they are there now, they are in the custody of Sheriff Maxwell. Deponent thinks Mr. d'Armas or Mr. Dick, probably, have the key now, as they are the principal deputy sheriffs in Mr. Maxwell's office. Said room was not guarded in any particular manner, but deponent considered it very safe; it was kept locked, and it was almost impossible for any one to break in without being noticed, unless the courthouse keeper was derelict in his duty. Mr. Leblanc, the former courthouse keeper, was recently succeeded by Mr. Lucas—about the first of July.

Deponent further states that although he had for many years past mainly conducted elections and returns thereof, in his capacity as chief deputy, he took no part whatever in his official capacity in the appointing of special deputies, or in the election. Sheriff Avery appointed a large number of deputy sheriffs; deponent knew very few of these personally. Deputy Sheriffs McNeil and Harrison made out their appointment and order to draw their certificate for pay.

Deponent had very little conversation with Sheriff Avery on the subject of the election, said Avery having been a candidate for sheriff of civil courts, previous to which deponent received the nomination in a convention for the position he now holds. Deponent believes that these said deputies were paid at military headquarters; he did not see any receive pay at the sheriff's office, and from his knowledge of the routine of the office he would have known had they been paid there; he believes that the expenses of the election were paid from United States funds by order of General Buchanan.

NEW ORLEANS, August 15, 1868.

Judge C. Leaumont states, on oath, that he was a candidate for Judge of the Fifth District Court of New Orleans at the election of the seventeenth and eighteenth of April, 1868; that, according to returns of election, (from headquarters Fifth Military District), now on file in the office of the Secretary of State, his opponent received twelve (12) votes majority, being the difference between 14,355 and 14,367.

Witness being firmly convinced that the Republican party in the parish of Orleans had voted unanimously for him, and that he had received fully two thousand votes of the intelligent class of the Democratic party, addressed a communication to General Buchanan containing those statements, with a request to have the ballots again counted, but failing in this, he applied by preliminary petition to the Sixth District Court of New Orleans to have the ballots counted again, duly notifying his opponent of the order of that Court.

Witness requested the court to appoint a Democrat in whose honesty and integrity he could fully rely, to count the ballots. The court appointed A. A. Dubuisson, who counted the ballots, and the count showed that witness was elected by a majority of two hundred and three (203) votes, having received 14,826, while his opponent, Judge Viavant, only received 14,623.

The counting of the ballots began on Monday, the eighth day of June, 1868, at ten A. M., and the returns were filed in court on Saturday, June 27, 1868.

Judge Viavant and a friend of his, and Gustave Tournaud, deputy sheriff, were present the first day of the count.

Judge Viavant came the second day, but withdrew and his friend remained.

The third day, witness was not certain, but believes the friend of Judge Viavant came, but withdrew at the instance of said judge, and believes after that time neither of them came, holding, as witness supposed, from what had been told him, that the returns of the General were conclusive and could not be contradicted.

All the Republican tickets polled in the parish of Orleans at the aforesaid election, except one, had on them witness' name as candidate for Judge of the Fifth District Court; his other votes were Democratic, the name of his opponent being erased from the tickets and his name inserted in its stead. There were, to the best of witness' recollection, six (6) empty ballot boxes from the Sixth Ward, and he was compelled to assume, for the purposes of the count, that

the returns made from those boxes to headquarters were correct. It is mere presumption or opinion on the part of witness that the difference found in counting the votes resulted from the counting of the Democratic scratched tickets as straight ones by the commissioners.

In the ballot boxes of the parish of Orleans, there were forty-two Democratic tickets, with counterfeit vignettes of the Republican ticket. Most of these were marked colored or black.

When the ballots were counted by Mr. Dubuisson they were in possession of the sheriff for safe keeping, under the office of the Clerk of the Fifth District Court.

Mr. Behrens, who, witness was informed was one of the commissioners of election in the parish of Orleans, upon being informed that witness had taken out an order to have the ballots recounted, told him that all the ballot boxes of the Sixth Ward were empty, or words to that effect. Witness was informed by Mr. Dubuisson of the number of ballot boxes that were empty.

A. Dubuisson states on oath, that he is a resident of New Orleans; that he was appointed by the Sixth District Court of Orleans to count the ballots in the contested case of Charles Leaumont vs. Viavant. Some three or four of the ballot boxes were found empty. On some of the Democratic tickets the name of Viavant was erased and the name of Charles Leaumont inserted in its stead, which votes were counted by the commissioners of election for Viavant, when they should have been counted for Leaumont.

Deputy sheriff Tournade was always present during the counting of said ballots. We commenced by taking one ballot box at a time, and counted the ballots one by one, keeping the tallies on slips of paper; in this way we went through with all the ballot boxes used in the parish of Orleans.

After we had counted the ballots we put them back into the same ballot boxes from which we had taken them, and sealed the boxes the same as we found them. Some of the boxes were not sealed when we received them; these we did not seal, but left them as they were. In these cases of the unsealed boxes, they showed that they had been originally sealed, but that the sealing had been broken before they were turned over to us. Four of these boxes named as having the seals broken were empty, having no ballots in them. The room where we found the ballot boxes is in the building opposite Jackson Square, occupied by the courts and the sheriff of the parish of Orleans.

The deputy sheriff, Mr. Tournade, was put in possession of the key of this room by the sheriff of the parish, and retained it during the entire time occupied in counting the ballots, except during the nights when said key was left in possession of the sheriff himself. After finishing the count, we left the boxes in the same room where we found them. The deputy sheriff locked the door in witness' presence, and returned the key to the sheriff.

The whole number of ballot boxes was fifty-three or fifty-four. Of this number, about thirty-five were sealed; the balance were unsealed.

The ballot boxes found empty were from polls one and two, thirteenth precinct, and poll one, fourteenth precinct.

Mr. Behrens, one of the commissioners or registrars, told witness: "You will find some of those boxes empty." Witness said, "How?" B. replied: "We have put them aside there," or, "they have put them aside there (meaning the ballots) where we counted the ballots." Witness said, "Where?" B. said, "Down there in the room."

Behrens knew some of the boxes were empty before this count commenced, because he told witness so in presence of Judge Viavant.

According to this count—

Charles Leaumont received.....	14,826
Viavant received.....	14,623

Majority for Leaumont.....	203
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According to the returns from military headquarters—

Charles Leaumont received.....	14,355
Viavant received.....	14,367

Majority for Viavant.....	12
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John W. Munday and P. Z. Canoge state on oath, that they received orders from the "Committee on the conduct of the late election, and condition of peace and order in the State," to proceed, with the sergeant-at-arms and a messenger from said committee, to the office of sheriff Maxwell to receive and receipt for all ballot boxes, papers and records that might be in his possession or charge, pertaining to the election of the seventeenth and eighteenth of April, 1868. Certain objections were made by William Walsh, deputy sheriff, to delivering them up. Subsequently, however, witness took charge of fifty-four (54) ballot boxes and conveyed them to the

office of the aforesaid committee and delivered them over to said committee. Ten (10) of these boxes witness found open, with no contents; ten (10) were locked without being sealed; thirty-four (34) were sealed on top and locked, and all were in a bad condition.

J. P. L. Thompson and Edward Tinchart state on oath, that they were appointed to examine the ballot boxes used in the parish of Orleans at the election of April 17 and 18, 1868; that they have examined fifty-four (54) boxes; forty-three (43) of said boxes were locked and found to be empty; ten (10) boxes were unlocked and empty, and one box contained eight tickets, viz: four Democratic, two (2) Workingmen's and two (2) Republican. Several of the boxes were in bad condition, the lids being broken off, or the nails drawn from them; the bottoms of some of the boxes were split open. The key holes of all the boxes appeared to have been sealed, but the seals were either torn off or broken through. No key hole was found sealed when witness examined them.

NEW ORLEANS, Dec. 15, 1868.

P. Z. Canoge states on oath, that he is employed by the Committee on the Conduct of the late Elections and the condition of Peace and Order of the State, as an officer to serve summonses and attachments; that on the 24th day of November, 1868, he received a summons to serve on T. L. Maxwell, civil sheriff, which he left at said Maxwell's office, taking the receipt of some deputy sheriff for same.

On the second day of December, 1868, witness received another summons to serve on said T. L. Maxwell, which he left at his office.

On the fifteenth day of December, 1868, witness received an attachment to serve on said T. L. Maxwell, which he served. Maxwell refused to accept it, saying, "Go away; I don't want anything to do with you."

T. L. Maxwell, sheriff of the parish of Orleans, being duly sworn, deposes and says: I am a citizen of the State of Louisiana and a duly registered voter.

Question by Mr. Campbell. Please state if you have in your possession any information as to the disposition made of the ballots, records of election and other contents of the ballot boxes which were used in the election of April, 1868, in this parish, and which were, by the order of General Buchanan, placed in the hands of the sheriff for safe keeping?

Answer. I believe, to the best of my knowledge, that the ballots relating to that election are in my warehouse now.

Question. Please state the condition in which they are ?

Answer. I have no knowledge of their condition, personally.

Question. State from what place they were conveyed to this warehouse ?

Answer. I cannot say from personal knowledge.

Question. State at what time they were taken there ?

Answer. I cannot say.

Question. State how you know they are in the warehouse ?

Answer. From information received.

Question. State from whom it was received ?

Answer. I decline to answer. The reason I decline to answer is for fear of injuring others, and the other reason is for fear of injuring myself.

Question. State the nature of the injury you apprehend to yourself.

Answer. I apprehend that answering the question would leave me liable to impeachment by the Legislature, as from information received they are attempting to find a ground-work on which to base a charge to address me out of the office I now hold as sheriff of the parish of Orleans.

Question. State the injury you apprehend for other parties.

Answer. Persecution at the hands of the Legislature.

Question. State, if you please, from whose information you have knowledge of the present whereabouts of the ballots.

Answer. I decline to answer, for the same reason stated above.

Question. State at what time you became informed of the whereabouts of the ballots.

Answer. On or about the first of August, 1868.

Question. State if this was subsequent to the time of the first conversation between yourself and me upon that subject.

Answer. It was a very short time before; I was not positive at the time that I possessed the information.

Question. State if you remember at that time of answering a question of mine in regard to this subject.

Answer. I remember regarding the question of Mr. Campbell, as to whether I was in official possession, or ever had been, of said ballots. That they had never been in my official possession; that

I never had seen the ballots or ballot boxes, and that they had not been transferred to me by the retiring sheriff, George W. Avery.

Question. State what you know in regard to the repairing of the room where the ballots were kept subsequent to your taking the office?

Answer. Mr. d'Armas simply stated to me that the room wanted repairing, and I ordered it done. The origin of the repairs was brought about by repairing the next room to it, called a keeper's room. I have never been in either room since I have held the office.

Question. State if the records, books, etc., which were in the ballot boxes with the ballots, are now with the ballots?

Answer. I do not know.

Question. State if you will comply with a summons from this committee to deliver into their possession the ballots referred to.

Answer. [*Note.*—Reserves his answer until to-morrow, December 17.]

Question. State if you can and will guarantee that the said ballots and other documents which may be in the warehouse referred to, shall remain secure and undisturbed in the same condition as they now may be until to-morrow, December 17.

Answer. I cannot guarantee it, because I cannot state positively that they are there.

Question. State if you will comply with a requisition of this committee to allow an officer of the committee to examine the condition of the said ballots forthwith?

Answer. I will at once.

Question. You stated, in conversation, that you did not regard yourself as called upon to preserve or follow up records which might be manipulated to your disadvantage?

Answer. I did.

Question.—Please explain particularly your meaning in the phrase manipulated to your disadvantage.

Answer. I was afraid that if the ballots relating to the spring election found their way into the hands of the committee, that unauthorized persons might alter the lists and tallies of said election to my disadvantage and claim to the office of sheriff, which I now hold by virtue of the declared result of said election, as my opponent has contested in a court of competent jurisdiction, and still continues to question my right to hold said office by virtue of the declared result.

Question. State if you recognize the authority of the General Assembly, by a duly enacted law or resolution, through this committee, to demand possession of and examine said ballots.

Answer. I recognize the authority of this committee to send for persons and papers, but I question the legal justice of forcing me to injure myself and my dearest rights, given me by the voice of the people, to deliver papers which belong to a dead past, and cannot be regarded as records, and the delivery of which might work to my disadvantage. In this answer I would disclaim any intention of reflecting on the moral honesty or intentions of any member of this committee.

Question. In your term unauthorized persons, you do not mean to include the members of the committee.

Answer. I do not.

Question. You state you have no personal knowledge of the present condition of said ballots; state if you have any such knowledge from information.

Answer. I have.

Question. State the information.

Answer. I decline for the same reasons given before.

NEW ORLEANS, December 17, 1868.

*Continuation of Examination of T. L. Maxwell, Sheriff.*

Question. Please give your answer to the question to which you reserved your reply yesterday.

Answer. I would respectfully decline to comply to the summons from the committee, I would only respect an order of court for their delivery.

Question. Please state the reasons which you have just given in conversation.

Answer. From information received, I come to the conclusion that the ballots referred to have ceased to be good vouchers for the correctness of the returns of the last election, from the fact that they have been recounted in the case of the contest, Viavant vs. Leaumont, and which count was too carelessly and loosely conducted, and said ballots having passed out of the hands of the sheriff of the parish, at that time, having never been retransferred, and consequently have lost their power as evidence regarding the last election, and could only be used now to my disadvantage.

Question. State whether your statement that the recount in the case of *Leaumont vs. Viavant* was carelessly and loosely conducted, is from your own personal knowledge.

Answer. It is not.

Question. State why you allowed the ballots to be removed from the room in the court house to your warehouse.

Answer. I had nothing to do with it.

Question. State who removed them.

Answer. I do not know positively.

Question. State if you have any knowledge by information of the party who removed them.

Answer. I decline to answer.

(Signed)

THOS. L. MAXWELL.

Sworn and subscribed before me, this seventeenth day of December, 1868.

H. J. CAMPBELL, Chairman.

A true copy.

W. G. James states, on oath, that in obedience to an order of the committee on the conduct of the late election and condition of peace and order in this State, he this day called on Thomas L. Maxwell, Esq., sheriff of the parish of Orleans, Louisiana, and repaired with him to the sheriff's public warehouse, on Toulouse street, near Royal, and there found six (6) sacks, said to contain all the ballots cast at the election held in said parish of Orleans on the seventeenth and eighteenth days of April, 1868, together with the tally lists for said election, which he there sealed up in the presence of Joshua Corprew, deputy sheriff for said Maxwell, without any further examination, and left them in the said warehouse for future disposition.

Dr. George W. Avery, late sheriff of the parish of Orleans, being duly sworn, deposes and says: I am a citizen of the State of Louisiana.

Question. State, if you please, all the circumstances in connection with the receipt by you, as sheriff of the parish of Orleans, of the ballot boxes and their contents, which were used in the election on the seventeenth and eighteenth of April, 1868; their subsequent safe keeping and transfer to your successor in office; also, any disposition that may have been made in your knowledge of ballots and records contained in said boxes.

Answer. On the second of May, 1868, I received from military headquarters, circular 15, wherein it was ordered that all ballot

boxes be transferred for safe keeping to the sheriff of Orleans, who will be held for their safe keeping. And it was further directed that receipts be given by said Sheriff Avery, and filed at military headquarters. The ballot boxes were all sealed when delivered to me, and I gave my receipt therefor without opening the ballot boxes or breaking the seals. In each case the receipt was worded thus: "Said to contain so many ballots." I stored all the ballot boxes in a secure room that has been used for the purpose for many years, the key of which was in the possession of Deputy Sheriff d'Armas, who alone used this room as a place of storage for documents pertaining to the sheriff's office. On the fifth of June I was directed by order of General Buchanan to recount the ballots, for the purpose of verifying the election of Judge Leaumont. This occupied my deputy up to the twenty-seventh day of June. Till then no one could have tampered with the ballot boxes without my knowledge. The same care and supervision was exercised in preserving the ballot boxes from molestation from the twenty-seventh of June up to the time I vacated my office, as ever had been. I turned over to my successor, Thomas L. Maxwell, all books, and papers and other properties appertaining to the sheriff's office, on the first of July 1868. It has ever been the custom for the sheriff of Orleans to be the custodian of the ballot boxes belonging to the parish, and for each sheriff to receive them from his immediate predecessor without giving or receiving receipts. By special injunction from me, my deputy, Mr. d'Armas, was ever vigilant in guarding the room from molestation when the ballot boxes were stored. After the ballots had been counted in the case of Judge Leaumont, I visited the room wherein were stored the ballot boxes, for a personal examination, and for the security of the ballots therein contained; and from the examination, and also from the solemn assurance of Gustave Tournade, my deputy whom I had designated for the duty of recounting the ballots in the case of Leaumont vs. Viavant, I became perfectly satisfied the ballots were safely redeposited in the ballot boxes, which were secured by lock, and the room in which they were stored was carefully locked and the key of which was placed in the care of Deputy Sheriff d'Armas. I am positive that no one could have broken into that room without my knowledge during my official responsibility for those ballot boxes; and furthermore, to the best of my knowledge and belief, I did transmit those ballot boxes, with the ballots therein contained, to my successor in office.

Question. State, if you please, the substance of an order issued from the Fifth District Military Headquarters, dated March 11, 1868, in regard to what disposition shall be made of ballots and ballot boxes.

Answer. The sheriff answers that a portion of Paragraph 5 of Special Orders No. 55, Headquarters Fifth Military District, directs as follows :

“Par. 5. At the close of the election, the commissioners will carefully count and make duplicate returns of the result of the election; stating also in four separate lists, respectively, the number of white voters for, the number of colored voters for, and the number of each against the Constitution. The ballots will then be replaced in the ballot boxes, which will be sealed, and, together with the registration and election records, will be carried by one of the commissioners to the courthouse, or place designated, and turned over to the Board of Registrars.

“The board will then carefully count and make duplicate returns of the votes cast, in the manner prescribed for commissioners of election, and will see whether the vote of each precinct corresponds with the record of the commissioners.

“The ballots will then be replaced in the ballot boxes, which will be sealed, and, together with the registration and election records, turned over to such parish officer or member of the registration board as said board may select, who will receipt therefor, and will be held responsible for the same. The ballot boxes were turned over to my successor, sheriff Maxwell, in the same condition as they were in when we finished the recount in the case of *Leaumont v. Viavant*.

Question. State if you please what rule you adopted in appointing your deputy sheriffs for the election?

Answer. I used my best efforts to secure such men as would prove of value in preserving the peace.

Question. Please state the names of the deputy sheriffs appointed.

(Signed)

GEORGE W. AVERY,

Late Sheriff parish Orleans.

NEW ORLEANS, November 23, 1868.

Sworn and subscribed before me, this twenty-third November, 1868.

(Signed)

HUGH J. CAMPBELL, Chairman.

I certify this is a true copy.

A. A. STONE.

Thomas Hanley states on oath, that as a policeman, his duties kept him employed on the levee at the foot of Canal street during the late election of April 17 and 18, 1868; colored men, whose names he does not know, came down to the levee for the purpose of hunting up persons to vote the Radical Republican ticket. These men had the regular printed tickets of the Radical party, and they urged quite a number of negroes to go to the polls. They had wagons to carry these persons to the polls. Some colored men objected to go to the polls, because, as they said, they had not been registered, and had no registration papers. The Radical canvassers told these men that their having no papers would make no difference, but to come with them and they would fix them up at Radical Headquarters. Witness saw several persons enlisted as above stated, 'go off' with the canvassers, in their wagons. Witness resides at No. 257½ Perdido street.

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#### PARISH OF RAPIDES.

A. F. Wild, a prominent citizen of the parish of Rapides, in his affidavit before this committee, says:

The last registration in Rapides was very unfair and unjust, for the reason that the board allowed men to register who held offices before the war—such as postmasters, sheriffs, police jurors, etc., and then went into the Confederate army; while on the other hand they turned away a large number of colored men under the plea that they were not twenty-one years old, when it was perfectly apparent, in most cases, that they were, and, in thirteen instances, they offered to prove it, but no proof would be accepted.

W. B. Phillips, another prominent citizen of this parish, in his affidavit before this committee, says:

Regarding elections, there was no fairness and but little freedom. The colored citizens were often constrained through fear to vote contrary to their judgment and wishes, as many did at the election held on the seventeenth and eighteenth days of April, 1868. The spirit of the emancipation proclamation is not yet fully acquired.

The planters on Bayou Boeuf, up to the time of the election of delegates to the Convention, spoke of the colored men as still their property, and said they would use their guns to prohibit parties from giving them any instructions; and as the administrators of the law

are ex-officers and soldiers of the so-called Confederate government, they have neglected to use that arm of strength for the protection of loyal men, but have used it for the protection of those who violated law by their abuse of persons who advocated the equal rights of all men, and Congressional reconstruction.

George Buttrick states on oath, that he was an assistant sub-assistant commissioner of the Freedman's Bureau in Alexandria.

That he was there present during the election of April 17 and 18, 1868.

That many of the colored people were so greatly intimidated and frightened by the horrible murders of their comrades, and the repeated threats of the white men, that they did not dare to vote. In some precincts none of them voted.

That a few days previous to the election, threatening handbills were posted near the houses of every Republican in the parish.

That the special police appointed by the mayor for the occasion, went around and searched every colored man's house for arms, which they took away if found; but took none from white men, except in one case, that being the Republican nominee for clerk of the court.

#### PARISH OF ST. BERNARD.

John T. Burgess states on oath, that on the seventeenth and eighteenth days of April, 1868, he was at the poll of the first precinct, parish of St. Bernard, and that he gave into the hands of voters at said poll eighty-five Republican tickets.

Witness saw the said eighty-five tickets handed to the commissioners of election by the electors and saw them deposited in the ballot box. He saw the ballot box opened on the eighteenth instant and the ballots counted, but of these eighty-five tickets which he had seen deposited therein, only twenty-seven were found.

A. G. Thornton, a resident of the parish of St. Bernard, states on oath, that he handed to voters at the poll of the eighth precinct, seventy-eight Republican tickets which he saw deposited in the ballot box of said precinct. The official returns of this precinct show but fifty-seven Republican ballots.

John McComb, a resident of the parish of St. Bernard, states on oath, that he was a commissioner of election at the poll in the

seventh precinct of the parish; that on the seventeenth and eighteenth days of April, 1868, Dr. F. H. Knapp, candidate for representative in the Legislature, invited him to his house to pass the night; witness accepted, and while at his house, said Dr. Knapp entered the room where he was, and awaking him called him out on the gallery of the house and said that he had thought of a plan to defeat the other party. Witness asked what it was. He (Dr. Knapp) replied "that their tickets could be taken out of the box and others substituted." Witness replied, "not if I know it," and turned and walked into his room. Witness further states that he belongs to the Democratic party."

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### PARISH OF ST. LANDRY.

S. A. Miller states on oath, that on the seventeenth and eighteenth days of April, 1868, one William O. Robinson, who was acting as deputy sheriff in the second ward, parish of St. Landry, did seat himself on the table, where the ballot box was, and asked many colored men to let him see their tickets, and while leaning on the ballot box would look at it, fold it up, and instead of handing back the same ticket would hand back another with the Radical State officers' names on it, but having the regular Democratic candidates' names for parish offices, and the words "against the constitution," at the bottom. Steamboatmen were allowed to vote the Democratic ticket for town council and ward offices, some of whom claimed their residence in New Orleans, and never did claim a residence in the parish of St. Landry. At the close of the second day of election nearly every white man was armed, and showed a disposition to intimidate colored voters, unless they could be persuaded to vote the Democratic ticket. One Morgan, a commissioner of election, in the town of Washington, required every man to be a resident of the town of Washington for thirty days previous to the election, in order for him to vote for town council.

The Democratic candidates received on the tally list in and for said corporation more than forty white votes more than there was white voters in said corporation. Dr. Robertson, in witness' presence, took more than forty Republican tickets from colored voters, which they held ready to vote, giving them in return Radical tickets,

with the Democratic ticket pasted at the bottom. One Jacob told witness that he had torn off the words "for the constitution" on some of the colored voters' tickets, and admitted that they knew nothing about it.

Victor Dauphir, Samuel C. Johnson and William Thompson, state on oath, that the sworn statement of Mr. S. A. Miller, which was read to them, is correct in every particular, and that they heard said W. A. Robinson say that he had taken out of the hands of colored voters ninety-six of their votes, and substituted ninety-six with the words "against the constitution," and having the Democratic ticket pasted at the bottom

John Simms states on oath, that he was selected by the Republican party to challenge those not entitled to vote, at the poll in precinct 1, in the town of Opelousas. The first man challenged was one A. H. Graddenigs, who had fought a duel. The commissioners of election called F. G. Compton, one of the registrars for the parish of St. Landry, who decided that the poll was not the place to challenge—that it should have been done at the time he registered; and that no registered person could be challenged.

Many legal votes were refused and many illegal votes cast; many certificates of registration were taken away from colored voters, on the plea that they were not twenty-one, or some slight difference between their signature and their names as written in the certificate. J. W. Hudspeth, a white man living in Opelousas, voted with a colored certificate of registration; also, one Dubin Gregorie, of Opelousas voted on the seventeenth and voted again on the eighteenth instant.

Twenty-nine illegally registered persons voted and six legally registered were deprived of voting at precinct No. 1, in Opelousas.

F. J. Davy, Felix Lessassier, G. Donati and Judge Lemelle state on oath, that they are residents and duly registered voters of the parish of St. Landry, Louisiana, and that the statement of John Simms is correct in every particular.

Louis George Bimier states on oath, that he saw the commissioners of election at the sixth precinct leave their posts and electioneer for the Democratic ticket. A colored man asked for a Republican ticket, and was given a Democratic. The poll was established at the store of Joseph Chevier and Valentine Sauvie, where liquor was freely given to all those who voted the Democratic ticket. He heard

several persons say publicly that they had told the colored people that if they voted the Republican ticket they would kill them.

Cornelius Donald states on oath, that on the seventeenth or eighteenth day of April, 1868, in Washington, St. Landry parish, he saw Dr. Robertson take a ticket from a voter and exchange it for another. When he (witness) saw this, he told several voters that they must not hand their tickets to any one. Dr. Robertson said he knew witness had seen him change one ticket, and added, "I confess that I not only changed one, but I did it fifty times since morning, because if we don't do it our party is gone," meaning the Democratic party.

A. Gorin states on oath, that he was at the second ward poll on the eighteenth day of April, 1868, and that William A. Robinson an acting deputy sheriff was sitting on the table which held the ballot box and kept a sheet of paper over the box with his hands for at least three-fourths of an hour and would not remove it, except when some one would shove it aside to deposit their ballot, he also took ballots out of the hands of timid men, especially colored men, exchange them and then hand them to the judges of election; colored men were not allowed to vote freely at this poll.

Theogem Castille states on oath, that he knows Thomas C. Anderson of St. Landry parish, La., who was declared elected by General Order, No. 121, from Head Quarters, Fifth Military District, as "State Senator," and he also knows that said Anderson is the man who was elected and served as a member of the Legislature of this State in the years 1860 and 1861, and that he afterwards accepted and served under a commission as quartermaster in the rebel army, at camp Pratt, in the parish of St. Martin, in 1862.

Theophile Simms and Antonio Estorge state on oath, that they took the names of one hundred and twenty-eight (128) colored voters, to whom they gave regular Republican tickets, and that they saw them vote the same at the twelfth precinct in St. Landry parish; the returns show but ninety ballots cast for the Constitution, in said precinct.

Edgar Vieniille, on oath, verifies the testimony of Theophile Simms and Antonio Estorge.

Zachariah Stewart, on oath, states that previous to the election, he was employed as a laborer by the firm of William A. Anderson & Co., doing business in the parish of St. Landry. On the sixteenth day of April, 1868, Henry Lastrap, a member of said firm, showed

witness two twenty dollar gold pieces, and asked him if he was going to vote the Radical ticket. He replied that he did not know how he should vote, but would vote as Washington Brown voted. Mr. Lastrap replied, "God damn George Washington; he is a Radical; if you will vote as I do, for the Democratic ticket, I will give you one of these twenty dollar gold pieces." Witness refused, and was then offered both of the gold pieces; he refused the last offer also; upon which, Lastrap said, with an oath, "If you vote the Radical ticket, I will discharge you, and will never give you any employment again, if you are starving to death." Immediately after this conversation, Mr. Robinson, of the same firm, informed witness that if he voted the Radical ticket, he could consider himself discharged; witness did vote the Radical ticket in presence of two of his employers, and was immediately discharged, with no other reasons given than that he had voted the Radical ticket.

F. J. Avy, on oath, states that on the eighteenth day of April, 1868, he was at the poll in the seventeenth ward and saw about fifteen voters whom he knew rejected on the plea that there was a slight difference between their names and the name written on the certificate of registration, which was occasioned by improper spelling on the part of the registrars. About fifty men were deprived of voting by an order from the chairman of the Board of Registration issued to the commissioners of election at that poll, at twelve o'clock M., not to allow any one to vote who lived out of that ward.

Noah Deuglass and Charles E. Nash, on oath state, that they were present at the poll on Bayou Cheat and took the names of persons and number of registration certificates of forty-one colored voters and gave each of them a Republican ticket headed "for the constitution" and saw them vote the same, yet the return of said precinct, as reported to the Board of Registrars, show only nineteen colored votes for the constitution.

W. Walker Theopolite, Jr., and Edgar Vanhill state, that on the seventeenth and eighteenth days of April, 1868, they took the names and number of their registration certificates of one hundred and thirty colored voters and issued Republican tickets headed "for the constitution" to them, which they saw them deposit in the ballot box at the poll in the twelfth precinct, yet the official report from said poll shows but ninety colored votes for the constitution. One colored man was prevented from voting on the plea that he was

under twenty-one years of age. He was going to vote the Republican ticket. Before night the same man was allowed to vote the Democratic ticket.

Oliver Derbanne and Antoine Ledet state on oath, that at the sixth preeinct ballots were exchanged publicly after having left the voters' hands.

Lufroy Pierre, Auguste and Louis Charlot voted at said poll, they being disfranchised by serving a term in the penitentiary.

W. G. Bell, Philip Filot, John Simms, F. J. D'Avy and Ludger Lemelle state on oath, that at preeinct one a great many duly registered voters were rejected. Certificates of registration were taken from colored voters by the commissioners on the mere request of white men. The vote of one colored man was rejected after he had made oath before a magistrate that he had lost his certificate of registration, and the commissioners, knowing positively that duly registered white men voted with colored men's certificates, and some who voted on the seventeenth were allowed to vote again on the eighteenth instant. Quite a number of disfranchised persons were allowed to vote. One colored man, seventy years of age, who was duly registered, was rejected at said poll on the plea that he was not naturalized.

Randall Morgan and Simon Taylor state on oath, that they went to the poll at Chicot on election day with twenty-three other voters. Twenty-three out of the twenty-five voted the Republican ticket, headed "For the Constitution." The return from said poll showed but nineteen Republican votes for the constitution.

Revolvers and guns were common at said poll. The threats and the sight of firearms prevented many colored men from voting.

Twenty-six citizens of this parish protest against the returns of the election, as said election was unfair, unjust and illegal.

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## PARISH OF ST. MARTIN.

L. E. Laloni states on oath, that on the seventeenth and eighteenth of April, 1868, he was acting as deputy supervisor of election for the parish of St. Martin, appointed as such by the Board of Registration of said parish. That the registrars of voters, and commissioners of election, appointed by them, acting in concert with the Democratic party, committed frauds on a large scale.

Witness heard a commissioner of election say that the Democratic party knew they could not defeat the Republican party fairly, but that there was another way by which to defeat them. That other way, as witness discovered on the second day of election, was, that the commissioners of election at St. Martinsville and other precincts, had an understanding to, and did refuse without the slightest motive, such a number of Republican votes as would secure to the Democratic party a large majority in the parish.

That persons having their registration papers, whose names were not erased from the list, and who intended, as they told witness, to vote the Republican ticket in full, were denied the right of voting, on the idle pretext that they were too old, or that they were born under the Spanish government, and were Spanish subjects. Others were apparently too young, or under twenty-one years of age, although they had made due proofs of their being of full age before the Board of Registrars.

Others were refused the right of voting, because it was alleged that they did not reside in the ward where they offered to vote, which was not the fact.

Witness was appointed registrar of voters by Major General P. Sheridan; is thoroughly acquainted with the people of said parish, and as such, the duty devolved upon him to receive the registration list of the first board appointed under the reconstruction acts. That he did so conscientiously, as he knew the antecedents of almost every man in the parish. Struck out of said registration list the names of about forty persons, assigning the reasons for so doing.

That the second Board of Registration, appointed by General W. S. Hancock, having for its chairman an ex-Confederate officer, registered almost all who had been stricken out by the first board, and went so far as to register persons clearly disfranchised, who had not even dared to offer to register before the first board. That almost all these disfranchised citizens voted the Democratic ticket, or did not vote at all.

That on the eighteenth of April, 1868, the second day of election, when deponent went to St. Martinsville to vote, he was arrested and searched on crossing the ferry, by a picket of men pretending to act under orders of the sheriff. His arms were taken away from him. When near the court house, where the polls were held, he was again arrested and searched by a company of men, all white Democrats and noted rebels.

A good many of them are disfranchised. They were all well armed with double barrel shot guns and revolvers, numbering about sixty, and also pretending to act under orders from the sheriff.

The Republicans were not allowed to go near the polls, unless invited to do so in cases where it was thought they could be influenced. This armed company allowed Aliciad Deblanc, Alexander Dedonel and Valsin A. Fournit, three disfranchised citizens, who were active in working against the Republican party, to remain near the polls.

That in regard to the sixty-two affidavits taken before me, as deputy supervisor, all those persons intended to vote the republican ticket in full, in a ballot box opened by the board of supervisors of registration; that this private election would have been continued if it were not that deponent was taken sick the next day.

Deponent further swears, that had the election in the parish of St. Martins been carried on fairly, without fraud or intimidation, he sincerely believes that the republican ticket would have received a majority of at least one hundred votes.

The registrations in the parish were about three thousand and one hundred, of which fourteen hundred were whites and seventeen hundred were colored voters. Deponent believes that about six hundred colored voters did not vote.

Mr. S. Bryant did not hold any office before the rebellion, but was an officer in the Yellow Jacket Confederate Battalion over a year. Deponent believes he was adjutant in said battalion, and a candidate on the Democratic ticket. He, like the balance of the party, opposed the ratification of the present Constitution, and deponent is satisfied that he always opposed the reconstruction of the State under the plan proposed by the Congress of the United States.

I am a native of Louisiana, and for the last sixteen years I have resided in the parish of St. Martin, and am well acquainted with the people of said parish.

In a letter to Major General R. C. Buchanan the supervisors of election state that they have done all that was in their power to detect the frauds perpetrated on the days of election of April 17 and 18, 1868, and have arrived at the conclusion that the election in the parish of St. Martin should be declared null and void—for the following reasons:

*First*—Because notices of election were not given as the law re-

quires, in the newspapers published in the parish. The first notice given were handbills posted in but very few places, and that not before Monday the thirteenth of April, only four days before the election, the said handbills did not mention *what was most important* for the voter to know, to-wit, the places where the polls would be established. The notices only stated that "polls would be established" at places such as Cotaux, which is a portion of this parish from eight to nine miles in breadth; some of the registrars announced verbally that the Cotaux polls would be opened at Cleophas Romero's store, and on the day of election they were transferred to Joseph Gario's, without notice to that effect.

*Second*—No mention was made in said handbills as to the number of boxes in which to vote; it was understood that the votes "For" or "Against the Constitution," and all officers to be voted for under its provisions, would be cast in one box according to special order No. 63, Headquarters Fifth Military District, which reads as follows: "The ballots to be cast for or against the Constitution" shall have on them printed, or in writing, the names of the several officers voted for under its provisions, etc., etc.

The said order was not executed by the registrars and commissioners, some of them requiring the votes to be cast into one box, and others in three different boxes.

At St. Martinsville the polls superintended by C. Derneville Oliver, chairman of the Board of Registration, votes were cast in three different boxes, and those voting Republican tickets having cast their votes in one box only (according to said order), these votes were not counted for justice of the peace and other corporation officers. The undersigned declare that they attempted in vain to obtain from some of the registrars verbal in default of written information, as to places where polls would be established, and as to the number of boxes in which to vote; the invariable answer was "nothing has yet been decided by the board." It is a well known fact that the Democratic party organized in secret clubs with passwords and signs, of which we are well informed said C. D. Oliver being a member of said clubs knew how the election would be conducted, and because the registrars and commissioners were ignorant of the division lines of the "police jury" and "justice of the peace" wards of this parish, over two hundred and fifty Republicans were

refused the right of voting, it being alleged they were non-residents in the district in which they offered to vote.

*Third*—Because commissioners of election, most of whom registered fraudulently, were, or pretended to be, ignorant of their duties, as defined by military orders, and acted on their own responsibility, assumed the right of preventing about two hundred and fifty Republicans from voting, although they had their registration papers, for the following reasons, to wit : some were too old to be citizens, having been born in the State when it was a colony; therefore, they decided, would have to be naturalized before being permitted to vote; even without proof of these persons having been born under the French flag, they were refused on that ground; some were said to be too young, some to have fraudulent registration papers, and some were refused on alleged non-residence in the district. These objections were wholly unfounded, and were used solely to defeat the constitution and the reconstruction laws. The commissioners at St. Martinsville were, or pretended to be, totally ignorant of the division lines of the districts in the parish, and permitted Democrats to vote, and prevented Republicans from voting, although the former and latter resided on the same plantation. They also retained registration papers, pronouncing them fraudulent. They allowed themselves to be guided by the opinions and decisions of one Valsin Tournet, who, although disfranchised, was permitted, together with many other disfranchised and disloyal men, to surround the polls—a right which was denied by the commissioners to Republicans, and loyal men as well as Republican candidates. This was done for the purpose of intimidating colored voters, and driving them from the polls.

The sheriff of this parish, availing himself of certain powers which he pretended were vested in him by special order number 55, and by proclamation to the people of Louisiana dated April 14, 1868, from headquarters fifth military district, summoned a force of about fifty white men, nearly all of whom belonged to the aforesaid secret Democratic organizations, armed with double barreled shot guns, whose instructions were to disarm every Republican voter who approached the polls. These preservers of the peace would also insult peaceable citizens, who had no arms or means of defense. A pretense was made to search Democrats. This gang, some of whom belonged to the noted guerilla company who boasted of having

killed the first Union man on the soil of Louisiana, were on duty during the two days of election, to prevent loyal men from voting, and scare the freedmen from the polls, and wore the old gray uniform. The commissioners acted with partiality on the first day of the election; three Democrats to one Republican were permitted by the armed gang to go in at a time to vote, although the Republicans awaiting to enter were much more numerous. So all the Democratic votes were cast on the first day; and on the second day, there being only Republicans to vote, the commissioners managed to proceed so slowly that, when the polls were closed, at least one hundred and fifty Republicans did not vote, for want of time. The reason is, that the commissioners permitted the rebel bystanders to object to every vote that was offered, on frivolous grounds, such as questioning the validity of registration certificates figuring on the index; about age; about residence; about district, and registration papers supposed to be fraudulent. This plan of intimidation was carried on with success; at least one hundred Republicans, in different districts, were prevented from even going near the polls, and did not vote, on account of the armed forces standing near the polls. Mr. Louis E. Laboire, a candidate for parish judge, was arrested and searched twice before reaching the polls, and was grossly insulted at Fausse Pointe. We are well informed that this system of intimidation prevailed. The Republicans were searched, insulted and threatened of their lives if they did not vote the Democratic ticket.

J. Dorville Broussard, a disfranchised rebel soldier, was allowed to register, and voted, together with Ernest Broussard, another disfranchised rebel. They were appointed on a committee from their secret organization, to notify a white Republican by the name of Ovide E. Smith to leave the parish in twenty-four hours.

*Fourth*—The new list of voters was not revised by the registrars of this parish, according to orders from headquarters, and the consequence was that about one hundred white persons fraudulently registered and voted. The Board of Registrars of this parish is to be blamed for registering persons who had been stricken from the list by the former board, for causes set forth in the registry books, satisfactory evidence of which had been furnished the former board, and especially for registering Dr. Alf. Duperier, whose name had been stricken from the list by the former board for the following cause: "Having been a member of the State Legislature before

January 21, 1861, and aided the rebellion by a loan of one thousand dollars to arm and equip men to prevent invasion by federal troops."

The registrars allowed every rebel to register, although they were clearly disfranchised, and many under age were permitted to register; also, persons of foreign birth were allowed to register without producing their naturalization papers. They went as far as to register J. Dorville Broussard, whose antecessents are well known to the whole community, and specially to C. D. Oliver, chairman of the Board of Registrars. Said Broussard was State assessor before January 21, 1861, and afterwards served in the rebellion, and had office under the Confederate States government.

*Fifth*—The registrars refused to grant new registration papers to many colored persons who had lost their certificates, because they could not remember their numbers, and many were refused the right to vote on that account.

*Sixth*—The registrars did not open their office on the days and at the places mentioned in the notice given by them, and a good many colored citizens and Republicans were deprived of the chance to register, while Democrats were initiated into all the secrets of the Board of Registrars.

We also call your attention to the fact that at St. Martinsville polls the first man voted was No. 138, and the last on that day 2484. On the second day the first was 166, and the last on that day was 110, as the books must show. We have also a clear account of every vote cast on the seventeenth and eighteenth of April, 1868, at St. Martinsville, to wit:

For the constitution .....	324
Against the constitution.....	258
Total votes.....	582

And when the votes were counted on Saturday night, April 18, 1868, it was found to be as follows:

For the constitution .....	324
Against the constitution.....	302
Total votes lawfully cast.....	626
	582
A fraud of votes.....	44

And it was well remarked, and can be proved, that on the eighteenth, when the polls were opened, the seals were broken.

(Signed)

EMILE DETIEGE, Chairman.

SAMUEL WAKEFIELD,

T. F. PENNE,

Board of Supervisors, parish of St. Martin, Louisiana.

Two hundred and seventy-eight signatures of citizens from St. Martin parish protest against the fraudulent election held in this parish on the seventeenth and eighteenth April, 1868.

A. R. François states on oath, that during the election held on the seventeenth and eighteenth of April, 1868, in the parish of St. Martinsville, at the polls in the town of St. Martinsville, he saw almost all the frauds, violence and intimidation that was practiced upon the citizens that proposed to vote the Republican ticket.

The polls were surrounded by an armed gang of men, who showed hostile intentions. These armed men were reported to be under the sheriff's control, and were composed of about fifty white men, most all ex-officers of the rebel army. They were armed with double barrel shot guns, pistols, etc. Their orders were to disarm every person who approached the polls, and this was violently practiced upon Republicans. This gang of armed men, among whom were some noted rebels, were on duty the two days of election solely to prevent colored Republicans from approaching the polls to vote freely.

The commissioners of election also acted entirely in a party spirit. They allowed three Democrats to one Republican to enter the polls, and then the Republicans were rejected for some cause. Some were presumed to be too young, although they were willing to prove that they were over twenty-one years of age; others were rejected for being too old. Supposing them to have been born when this State was a colony under the French or Spanish government, therefore said persons would have to procure their naturalization papers before they are entitled to vote. Many Republicans, who would have voted the regular Republican ticket, were prevented. Some were prevented also for non-residence, although the districts were marked on their certificates of registration. Upon these grounds the commissioners prevented many Republicans from voting, and permitted Democrats, who live on the same plantations with Republicans, to vote. With some, their registration papers were retained and they not allowed to vote, because it was supposed to be fraudulently ob-

tained, and by some mistake, the name and number on the printed list from headquarters did not exactly correspond with their certificates of registration, although with similar ones Democrats were allowed to vote. On the second day of the election, the commissioners proceeded so slowly that when the polls were closed at least from a hundred to a hundred and fifty Republicans, who would have voted the regular Republican ticket, had not the chance to vote. The cause of this was, that the commissioners permitted Democrats and disfranchised rebel bystanders to challenge every Republican vote upon the most frivolous grounds, and by permitting all manner of questions to be put to the Republicans—such as, where were they born, the name of their former masters, and if they were christened in the Catholic church or not, to procure their christening papers to prove their age. All these questions were asked in the most insulting tone imaginable.

On account of all these outrages, the Republicans, at a late hour, opened a separate poll to take in the votes of those who had not the opportunity of voting, but had not time to do so.

Mr. Laloni, one of the deputy supervisors for the parish of St. Martin, took the affidavits of about sixty Republicans, who would have voted the Republican ticket, but were prevented from doing so by the commissioners.

Moreover, I have known Mr. Bryant as an officer in the Yellow Jacket Confederate States army.

## PARISH OF TERREBONNE.

Frederic Morel, sheriff of the parish, testifies that he was a supervisor of election in said parish, on the seventeenth and eighteenth of April, 1868. He, together with his co-supervisor, J. M. Vanee, examined the books kept by the registrars appointed by the military authorities, and found that about thirty persons had been permitted to register who were not qualified as voters according to the reconstruction acts of Congress; that at most of the polls the commissioners of election, according to their own statement, were opposed to the ratification of the constitution, and to the election of loyal citizens.

## PARISH OF WEST FELICIANA.

[From the New Orleans Republican, April 28, 1868.]

“During the election on April 17 and 18, 1868, at the courthouse, where the boxes for the first, third, sixth and ninth wards were deposited, the Republicans were forbidden to come near the polls, and in many instances were told by the acting sheriff to get away; at the same time, leading Democrats were permitted to approach the polls, and did their best to make freedmen vote against the constitution. The acting sheriff, Dr. Kaufman, while standing at the polls, took away the ticket of a freedman, named Henry Gray, and presented to the commissioner a Democratic ticket, which was immediately stuck in the box. Henry Gray did all he could to prevent this, but as soon as the ticket was in the box, the sheriff took him away from the polls.

“At Concord Church precinct, the deputy sheriff, who was sent to preserve order and prevent electioneering, was seen by the supervisor of election stealing the regular tickets from the freedmen and giving them the green Democratic tickets. All sorts of promises were made to the freedmen, if they would vote the Democratic ticket. Dr. Kaufman offered as high as twenty dollars a piece to several freedmen to vote down the constitution.”



